

DONATED BY
Dr. VIDYA BHUSHAN
PROF (RETD) POL. SC
UNIVERSITY OF JAMMU
JAMMU

Dr. Mookerjee's Letter to Shri Nehru

77, Asutosh Mookerjee Road,
Calcutta-25,

9th January, 1953.

My dear Jawaharlalji,

May I take the liberty of addressing you on the situation in Jammu? We discussed this matter at Cawnpore session of Bharatiya Jan Sangh and it was the unanimous wish of everyone that I should directly approach you and Sheikh Abdullah on the subject. I know that you do not see eye-to-eye with many of us on this issue. Yet I am writing to you in the hope that you will keep an open mind and try to appreciate the viewpoint of those who may differ from you on this matter. It is vitally important that the circumstances that have led to the present movement should be impartially reviewed and every effort made to arrive at a speedy and peaceful settlement which will be fair and just to all concerned.

The movement is not on the wane, although more than six weeks have passed since its commencement. It has spread far and wide and is receiving the support of large sections of people in urban and rural areas, all obviously not being members of the Praja Parishad.

It is not correct to say that the movement has been instigated by parties or groups of individuals outside the State of Jammu and Kashmir. The issues which have been raised have a direct appeal to the people and the responsibility for guiding the movement has fallen on their own representatives. Many of us have no doubt sympathised with the object for which the struggle has been launched, because we sincerely feel the cause is just and right; but the main brunt of the sufferings has till now fallen on local people who have depended primarily on their own resources.

It is not also correct to say that the sponsors of the movement have acted recklessly and precipitated a crisis. Repeated efforts made by the Praja Parishad leaders and others to have an amicable settlement by constitutional means. Representations were sent to Dr. Rajendra Prasad, to yourself, to the Minister of States and to Sheikh Abdullah. Interviews were held with some of them, and thus avoided a crisis.

but such requests on most occasions were not granted. Conferences were held from time to time and after mature deliberations the view-points of the Praja Parishad and others supporting it were publicly expressed. Apparently the authorities concerned paid no heed to such manifestations of public opinion and even treated them with contempt. On the other hand, some of the matters regarding which acute controversy had been raised were proceeded with by the authorities themselves with undue haste, thus precipitating a crisis.

Allegations of violence, of use of arms and of subversive activities have been freely made against the sponsors and supporters of the movement. This has been stoutly denied. If this matter has to be probed into, it must be done by some impartial authority and the spokesmen of the Praja Parishad have declared they are prepared to face an independent enquiry. Repeated references to use of violent methods have been made by the authorities in justification of the violence employed by themselves.

During the last six weeks we have witnessed a continued reign of repression. In fact, in Parliament you went to the length of saying that if it were left in your hands you would have used even greater force and suppressed the agitation. Reports reaching us are contradictory in nature. While the official reports attempt to suppress the extent of the movement and the volume of repression, information received through non-official sources indicates a widely different state of affairs. Arrest of about 1,300 persons, lathi charges, tear-gassing, shooting, transfer of ill-clad prisoners to severely cold regions, confiscation of properties are the methods that are said to have been resorted to. This has not suppressed the agitation. It has sought to intensify it.

It is high time that both you and Sheikh Abdullah should realise that this movement will not be suppressed by force or repression. Certain basic demands have been made, fears and doubts have been expressed and they must be dealt with in a proper manner. In so far as your recent utterances you have laid great stress on the need for appreciating each other's point of view, of tolerance, of carrying on with Government not by force but by good-will and understanding. If the Government comes to actual administration, it appears that the same force which was used to disfigure British administration

tion are still in operation, sometimes with even greater vehemence than before. The problem of Jammu and Kashmir should not be treated as a party issue. It is a national problem and every effort should be made to present a united front.

Very often the issues are sought to be clouded by referring to the alleged past activities of the Praja Parishad. For obvious reasons it will be better to deal with the actual issues on their merits. If once we start in questioning the motives of each other, the atmosphere will become all the more polluted. Please do not overlook that a good number of Moslems in Jammu have also joined the movement. I would earnestly urge upon you to consider the effect of the movement on the rest of India. The State of Jammu and Kashmir is a part of the Indian Union and as such it is perfectly open to the people of the rest of India to interest themselves in the affairs of the State. India has risked a good deal for the sake of this particular State. For this there is no regret in any quarter. At the same time we have to be careful that the sacrifice made by India does not go in vain for the mistaken policy pursued by the authorities.

We are anxious that the question of accession of the State of Jammu & Kashmir to India should be finally and irrevocably settled. This is still supposed to be depending on a plebiscite. The recent developments in the Security Council amply indicate that we can expect no fair deal from this quarter. There should be no question of taking a general plebiscite for determining the will of the people. The Assembly formed in the State of Jammu & Kashmir is based on adult franchise. Even though doubts have been expressed regarding the validity of some of the elections, specially from Jammu, this body may pass a resolution in favour of accession to India and this may be considered sufficient for ascertaining the will of the people. This will set at rest all the uncertainty that exists on the question of the State's ultimate accession to India. I was told by Sheikh Abdullah that he and his colleagues were willing to adopt this procedure but you were not prepared to approve of it. Perhaps at that time you expected that there might be some possibility of a satisfactory settlement through the Security Council. Now that this has proved abortive, we should declare our next line of action with as little delay as possible and thus avoid complications both at home and abroad.

The Praja Parishad rightly puts a pertinent question. If the ultimate accession of the State to India continues to be undecided and if decision will have to be based on a general plebiscite of the people, what will be the fate of Jammu in case the majority of the people, consisting of Moslems, vote against India? Pray do not brush aside this point as fantastic. We cannot forget our bitter experience regarding the vivisection of India nor can we ignore the tragic fate of North-Western Frontier Province in spite of the patriotic and progressive leadership of Khan Abdul Gaffar Khan and his worthy brother. A general plebiscite on a highly controversial issue, which may easily give rise to communal passions, specially on account of Pakistani propaganda, is not at all a safe criterion for knowing the real will of the people. The people of Jammu naturally abhor the prospect of facing destitution as refugees. They are not prepared to sever their connection with India under any circumstances, plebiscite or no plebiscite. The greater the delay in having this moot question decided once for all, the greater will be the complications and possibilities of unrest.

Once it is settled that a final decision has been taken on the question of accession, two matters will have to be taken up. One relates to the recovery of one-third territory of Jammu & Kashmir which is now in occupation of Pakistan. Even though Pakistan has been proved to be the aggressor, the Security Council will not help us in this respect. Pakistan will not voluntarily abandon its control over this area. How then, it is asked, are we going to get this back? You have always evaded this question. The time has come when we should know what exactly you propose to do about this matter. It will be nothing short of national disgrace and humiliation if we fail to regain this lost portion of our own territory.

The other question relates to the extent of accession of the State of Jammu & Kashmir with India. No doubt Article 370 lays down that apart from defence, foreign relations and communications, accession with regard to other matters will be determined with the previous consent of the Government of Jammu and Kashmir. As you will remember, this is a temporary provision and Shree Gopalaswamy Iyengar who had moved the adoption of this Article had clearly indicated that this was so and that it was the hope and wish of everybody concerned that the State of Jammu and Kashmir would finally accede to India just as other States had done.

If, therefore, the people of Jammu demand that accession should be on the same lines as in the case of other States, they do not say anything that is arbitrary or extraordinary. This is their natural wish and they are guided by patriotic and national motives. They only emphasise the need for maintaining a consolidated structure of Free and United India.

Sheikh Abdullah and some of his colleagues were members of the Constituent Assembly which had drawn up India's Constitution. The onus therefore lies on them—and not on others who differ from them—if they claim that the State of Jammu and Kashmir should receive special treatment and accession in their case should be of a loose character. The provision for an elected President or a separate flag has to be looked at from the point of view of those who honestly feel that this may be destructive of the political unity of India which it must be the duty of every State and citizen to maintain at any cost. If similar demands were made by other States, it would give momentum to dangerous tendencies of separatism. Again the delay in giving effect to some of the agreed proposals as announced by you in July last, dealing with matters such as citizenship rights, fundamental rights, Supreme Court, President's emergency powers has created great misgivings in the minds of the people.

Repression will be no answer to the fundamental question which the people of Jammu are asking today—namely, have they not the inherent right to demand that they should be governed by the same Constitution as has been made applicable to the rest of India? If the people of Kashmir Valley think otherwise, must Jammu also suffer because of such unwillingness to merge completely with India? *Ek nishan, ek bidhan, ek pradhan*—one flag, one constitution, one president—represents a highly patriotic and emotional slogan with which the people are carrying on their struggle. You or Sheikh Abdullah cannot answer this question by imprisonment or bullets. How this has to be solved is a matter for negotiation and statesmanship.

None knows better than you the peculiar characteristics of different parts of the State of Jammu and Kashmir. Kashmir valley, Jammu and Ladakh represent different types of people; their languages, their out-look their environments, their habits and modes of life, their occupation differ from one another in many vital respects. Historically and politically they came to be united into one homogene-

ous unit which we naturally should not like to disrupt or destroy. The task of maintaining and strengthening natural bonds of unity amongst such people can be done not through force or coercion but by creating a common atmosphere of good-will and confidence. It is a big psychological problem also and requires delicate and careful handling. You and Sheikh Abdullah could have done a lot in this behalf if you had only proceeded on right lines and not misunderstood every one who might have differed from you in respect of certain vital matters concerning the future set-up of the State.

As you know several thousands of people, previously residing in the Pakistani occupied area of the State are living as refugees in India. They mostly belong to Jammu. On some pretext or other their proper rehabilitation within the State itself has not been rendered possible and they are passing miserable days. They have been even refused permission to withdraw their own deposits from the State Bank at Srinagar on technical grounds. Again more than four thousand Hindu and Sikh women were abducted from this area by Pakistani raiders. Nothing has been done to recover them. Constant abuses of and attacks on Dogras as a class by Sheikh Abdullah and his colleagues have created an atmosphere of distrust and bitterness. Land laws have been drastically altered in the State and they are undoubtedly of very great significance. But no one has cared to examine how they have reacted even on comparatively poorer people in Jammu whose economic existence has thereby been rendered extremely difficult. These and similar other matters must be borne in mind if we expect a peaceful and permanent solution of the problem.

I have not referred in this letter to other serious allegations regarding the administration and policy of discrimination followed by Sheikh Abdullah's Government. These matters can be considered by some impartial authority on the basis of facts and figures which can be supplied to you or to Sheikh Abdullah.

People who are facing sacrifice and suffering cheerfully are not enemies of India or of Jammu and Kashmir. It is absurd to dub them as friends of Pakistan. Pakistan knows very well that if their stand is accepted, there is no earthly possibility of its ever annexing Jammu and Kashmir to its territory. I would earnestly request you to consult Sheikh Abdullah and, as a first step, release all those who have been arrested and withdraw the vindictive punishments and orders inflicted

on them. This should be followed by a conference at which matters of dispute should be discussed and a solution sought to be reached which would be to the good of India as a whole and would in every way be consistent with the rights and welfare of the people of Jammu and Kashmir. Pray do not stand on false prestige or imitate the methods followed by British administrators who thought that by ruthless repression they could solve any matter affecting the rights and liberties of the people. You have spoken eloquently about Gandhian technique in solving disputes. My appeal to you is that you should apply this in solving the impasse that threatens not only the peace of Jammu and Kashmir but may also have serious repercussions affecting India as a whole. The movement is spreading and it will spread more and even extend to parts of India, if repression is the only remedy that the authorities have the wisdom to apply.

I know you have abused us, you have ridiculed us and you have seen nothing good in our criticisms. Much though I have differed from you on this issue, I have tried to appreciate your stand-point, your fears and your hopes. And it is from this point of view that I have ventured to address this letter to you and to ask you to appreciate the views of your opponents and proceed in a manner different from what you are following today. I hope and trust that my appeal to you will not go in vain and that you will take immediate steps for tackling the serious situation which is fast developing in Jammu.

I have not addressed this letter to you at the request of the Praja Parishad leaders. I have every hope that if you make the proper approach and proceed in appreciation of their basic demands, an honourable settlement can and will be effected.

I am sending a copy of this letter to Sheikh Abdullah. If you want me to discuss the matter personally with you and Sheikh Abdullah, you may let me know and I shall gladly abide by your wish.

Yours sincerely,

Sd. Syama Prasad Mookerjee

Sri Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

Shri Nehru's Reply

New Delhi,
January 10, 1953.

My dear Syama Prasad,

I have today received your letter of the 9th January. I am replying to it immediately as I shall be going away soon from Delhi on my way to Hyderabad.

There is no question of prestige about our dealing with the situation in Jammu. If any course appears to us to be right, we shall certainly follow it. You say that there has been a reign of repression in Jammu, and further that there has been no violence on the part of the Praja Parishad or their supporters. Surely it does not require any proof to substantiate the fact that violence on a widespread scale has been indulged in by the Praja Parishad people. The fact that a large number of officers and policemen have been injured and damage done to public buildings, is adequate proof of violence.

I am naturally interested in developments in Jammu and have followed them closely. I have not only what might be called official reports, but plenty of unofficial sources of information. All of these agree that the Jammu and Kashmir Government has tried to avoid repressive measures and, considering the circumstances, have shown considerable restraint. Quite apart from the merits of the case, I should like you to put yourself in the position of any Government which has to face this type of agitation accompanied by violence. Either a Government abdicates or it controls the situation. There is no middle way. It is true that in the attempt to control a situation excesses may be indulged in on the part of the authorities, but, as I have said above, my information is to the contrary. I cannot of course speak about every detail. You say that interviews were sought with us and were not granted. I am not aware of any interview asked for from me during recent months. All I saw were threats in the public press.

I hope I am capable of keeping an open mind. Anyhow, I try to do so and I am prepared to consider any suggestion. In this matter, more than any other, I have to give the closest thought to

every development. What happens in Jammu is not a local matter. It has the largest implications on the whole Kashmir issue, on the future of the Jammu & Kashmir State, on Pakistan, on the U. N., etc. The question has to be viewed in that larger context. It amazes me that this context is forgotten or ignored or no values attached to it by those who support this Jammu agitation. **To me it seems perfectly clear that the Jammu agitation, if it succeeded, would ruin our entire case relating to the State.** Indeed, nothing could be more injurious to the objectives declared by the Praja Parishad than this agitation. How they expect to achieve their objectives in this way, passes my comprehension. You have some knowledge of the background of this entire Kashmir issue and I would like you to think over this whole question.

Suppose some remnants of the Muslim League in the Valley of Kashmir started an agitation which was anti-India and pro-Pakistan, how should we deal with it? What effect do you think has the Praja Parishad agitation on such persons in the valley or elsewhere? If you open Pandora's box, then all kinds of unexpected and undesirable things come out of it. A consistent policy has to be followed in both cases.

You have referred to the agreement arrived at between the Government of India and the Jammu and Kashmir State Government some months ago and have criticized it. We dealt with this matter at the time fully and I tried to explain the reasons for it. Obviously, the case of Jammu and Kashmir State cannot be considered in exactly the same light as other States in India. That requires no argument. It is not a question of our wishes or desires but of facts and rather complicated facts. Having considered all these facts, we came to a certain decision which I think was fair and which tied up the State to India very firmly. Ultimately it is not some kind of legal decision or change in the Constitution that will finally settle this question of the State. There are other factors, overriding constitutional factors, that are at play, including international factors. Foreign policy does not just mirror our wishes, nor is it a mere exhibition of temper. It has to be equated to the facts of the situation and the nation's strength to give effect to its wishes.

You refer to Sheikh Abdullah telling you that he and his colleagues were willing to get their Constituent Assembly to pass a resolution

about the State's accession to India, but that I did not approve of it. This is partly true, but it refers to a particular time, when the Constituent Assembly first started functioning, this proposal was considered. Our advice then was that it would not be wise to pass that resolution immediately as this would lead to the conclusion that the Assembly had been called just for that purpose and not for other purposes. As a matter of fact, according to us, the accession was complete and a resolution of the Constituent Assembly, though welcome, could not have made it more complete. The question was not of adding to that accession, but of our attitude towards the U.N. We had made this clear and we wanted to adhere to what we had stated. That is a larger issue. It is of course completely open to the Constituent Assembly to pass such a resolution. As a matter of fact, the agreement between the Government of India and the Jammu and Kashmir State Government some months ago was patently not only a confirmation of that accession, but acting up to it. Without accession that could not have happened.

You refer to that agreement not having been given effect to. That is true. But there have been some difficulties in the way which delayed matters. The very first question that was taken up took some months to decide. The other matters will no doubt be taken up.

There is no question of the Head of the Jammu and Kashmir State being some kind of a rival President. He is the Head of the State just like the Head of any other State in India. He can only be disappointed after the approval of the President of India.

There is no question of the State of Jammu and Kashmir. I am quite prepared, and I am sure that Sheikh Abdullah is prepared, to consider any grievances of the Jammu people and try to rectify them where this is possible. But the demands of the Praja Parishad are basic constitutional issues which cannot be given effect to for obvious reasons. They are trying to decide a very difficult and complicated constitutional question by methods of war. It does not require much thought to demonstrate that this method cannot yield those results, whatever the merits may be. It can only injure the whole cause of the Jammu and Kashmir State and in particular what presumably some of the Jammu people demand. You talk of separatism. I agree with you entirely that we should not encourage this tendency. But that is exactly what the Praja Parishad agitation is doing.

You should know how anxious I am to settle finally the whole J & K State issue. That is not only because of the State itself, but also because of its larger repercussions in India. But this issue has got tremendously complicated and there is no magic way of solving it by a decree or Act of Parliament as some people seem to imagine. There are many other issues in the world today which remain unsolved, in spite of the greatest powers wishing to solve them. We have to take into consideration all these various factors and not allow our wishes to run away with us.

You refer to rehabilitation of refugees as well as to abducted women. All these years we have been consistently trying to deal with these matters. A large number of abducted women have been recovered and a large number of refugees in India have also been sent back for rehabilitation and settled in the State. It is not true to say that nothing has been done.

The right way to approach the Jammu question is to stop this agitation completely and then deal with any grievances that may exist. I hope you will exercise your influence with the Praja Parishad in this direction.

I shall gladly meet you if you so wish. But I am going away to Bombay and Hyderabad and shall be away for about ten days or so. I understand that Sheikh Abdullah will also be going to Hyderabad.

Yours sincerely,

Sd. Jawaharlal Nehru

Dr. Syama Prasad Mookerjee, M.P.
30 Tughlak Crescent,
New Delhi.

10.1

in

ope

Dr. Mookerjee's Letter

77 Asutosh Mookerjee Road,
Calcutta 25,
February 3, 1953.

My dear Jawaharlalji,

I received your reply to my letter to you on the Kashmir situation some time ago. Since then I have been reading some of your speeches and those delivered by Sheikh Abdullah. I have no desire to carry on a protracted correspondence with you on this matter. But the issues involved are so serious that I am taking the liberty of writing to you again. One common feature of the speeches has been an abundance of abuses and vituperations which you have poured forth on those who differ from you. You have ascribed to us all sorts of base motives and have even dubbed us as betrayers of the country's interest. I have no desire to emulate you in this respect. Outbursts of anger and passion will not help us in solving any big problem. It is obvious that we do not see eye-to-eye with each other on this momentous issue. Let us however try to argue with each other and proceed logically and see whether any solution can be reached.

I have read your reply and your speeches and those of Sheikh Abdullah with considerable care, but unfortunately they evade the real issues.

Let me, first of all, deal with your oft-repeated charge of communalism and narrowness against us. This is a most unfair charge and unconsciously you have been recently indulging in such attacks only to hide the weakness of your case. Our approach to the problem is actuated by the highest national and patriotic considerations. The solution that we are asking for is far from communal—nor does it seek to disunite or disintegrate India. I would beg of you to think in your cool moments how in your life's history your failure to stand against Moslem communalism in India has resulted in disastrous consequences. Perhaps you and others followed a policy of concessions and appeasement with the highest motives, but in the ultimate end the country came to be partitioned against your own oft-repeated declarations to the contrary. At that time a factor of very great importance which worked against us was the existence of an alien power which wanted to function on the

policy of divide and rule. If today we want to be cautious and to avoid the tragic follies of the past, we do so in the highest interests of the country and not for any narrow communal ends or for any sectional interest.

The points which you have got to settle regarding Kashmir are the following :

- (1) The Praja Parishad has considerable popular backing. As one who knows mass mind, you will realize that no popular movement can be crushed by force. Even though you may not agree with the demand of the Praja Parishad, you must place yourself in the position of the promoters and supporters of the movement and try to understand their view-point. Both you and Sheikh Abdullah have made long references to the alleged past history of the Praja Parishad. I have no desire to enter into a controversy with you on this point but much of what you have said is not based on facts. Such survey is in fact irrelevant at this juncture. What is to be decided is the merit of the issues raised by the Praja Parishad.
- (2) The first question raised is when and how will the accession of the State of Jammu and Kashmir to India be finally settled? If this depends on plebiscite what will be the form of such plebiscite? We do not want this to be dependent on the intervention of UNO or negotiations with Pakistan. We went to the UNO not for settlement of the issue of accession but for protection against aggression committed by Pakistan on India, which we claimed, included the State of Jammu and Kashmir. There is no hope for any just settlement through the UNO. No doubt it has been stated over and again by you that the accession will be in accordance with the will of the people of Jammu and Kashmir. Our simple demand is that that will should now be expressed once for all, and not left to an uncertain future. My own suggestion has been that the Legislative Assembly of Jammu and Kashmir which has been elected on adult franchise may pass a resolution accepting final accession and the matter may be considered as irrevocably decided so far as India is concerned. Your personal declarations or

Sheikh Abdullah's speeches will not be sufficient. There must be a constitutional mode of settling this issue. Why do you and Sheikh Abdullah not accept the suggestion and settle one of the main points raised by the Praja Parishad? Please be specific on this issue and let us know that if this suggestion is not acceptable, what is your alternative proposal for finalising accession?

- (3) The second question is with regard to the one-third territory of the State of Jammu and Kashmir which is now in the occupation of Pakistan. You have expressed yourself in thundering language against those who want to partition the State of Jammu and Kashmir. We do not want partition, and your charges are imaginary. But you seem to forget that the State of Jammu and Kashmir is already partitioned by Pakistan and the real question is whether you and Sheikh Abdullah propose to acquiesce in this partition. You have always evaded this question. Please do not side-track the issue and let the public of India know how and when, if at all, we are going to get back this portion of our cherished territory.
- (4) The third point relates to the subjects in respect of which accession will take place. The Praja Parishad wants and we whole-heartedly agree that the entire State of Jammu and Kashmir should be governed in accordance with the same Constitution that applies to the rest of India. Is there anything communal or reactionary or anti-national about it? If India's Constitution is good enough for the rest of India, why should it not be acceptable to the State of Jammu and Kashmir? Sheikh Abdullah is in the habit of retorting that Article 370 of the Constitution gives the State of Jammu and Kashmir a special status. You and I perfectly know the history of this Article. Assuming that accession in relation to subjects other than Defence, Foreign Affairs and Communications, is to take place with the consent of the Government of Jammu and Kashmir, why can we not persuade that Government to agree to abide by the very Constitution to which Sheikh Abdullah and his colleagues were a party as Members of the Constituent Assembly of India? If it is felt that there are some matters

State of
lays

in respect of which our Constitution should be amended in order to meet the special needs of the State of Jammu and Kashmir, let us have a full picture of it and know what are the specific provisions which should be amended. We are prepared to discuss the matter with an open mind. There are however certain basic matters in respect of which the oneness of India must be maintained at any cost. They relate to such subjects as fundamental rights, rights of citizenship, jurisdiction of Supreme Court, functions and constitution of High Court, President's powers, national planning and financial integration. With regard to some of these matters, there was an agreement between the Government of India and Sheikh Abdullah's Government in July last to implement provisions of our Constitution. We were not satisfied about the deviations made, but even this modified application of the Constitution has been unreasonably and unnecessarily delayed, thus creating doubts and misgivings in the minds of the public. The position of the Head of the State and the adoption of one flag for the whole of India are also essential features of the oneness of India. It is amazing how the move of separatism pursued by Sheikh Abdullah and his colleagues is being applauded by you as national and patriotic and the genuine desire on the part of the Praja Parishad to secure the fundamental unity and integrity of India and to be governed as common Indian citizens is being dubbed as treacherous conduct. Your letter and your speeches give no satisfactory answer to these basic points raised by the Praja Parishad.

- (5) There are many grievances of the people of Jammu relating to such matters as their economic advance, their employment, rehabilitation of refugees, division of border districts on communal lines which require immediate investigation by an impartial Commission. Delay in dealing with these matters is intensifying agitation.
- (6) It is undoubtedly true that we should do nothing which may weaken India's position or strengthen the hands of our enemy. This aspect you, of all persons, must bear in mind as the Prime Minister of India. It is through your mistaken policy and your failure to understand the view-points of

those who differ from you, that the country is being brought to the brink of disaster.

I have written to you with the sole desire of finding out if some way can still be found for bringing the Jammu movement to an end. The only way is to release all those who have been arrested and to call a conference where all the problems can be discussed in an atmosphere of calmness and with the sole desire to arrive at decisions which will be fair and just to all concerned. Repression—imprisonment, lathi charges and bullets—will never crush this movement. In fact, it will spread, go deeper and affect India as well. Recently some important persons wanted to visit Jammu to see what was happening there and your Government has deemed fit to refuse them permission to travel to that State. Yet you claim that this is a part of the Indian Union and Sheikh Abdullah asserts that there is nothing to hide.

The Working Committee of the Jan Sangh is meeting in Delhi on 6th, 7th and 8th February to discuss the Kashmir situation. We cannot indefinitely continue as silent spectators of the sufferings of a section of our countrymen whose cause is noble and just and is capable of being sympathetically considered by any Government which has the well-being of the country at heart. That I am writing to you again in spite of your threats, abuses and rebuffs will amply show that we have no desire to precipitate a crisis. I still hope some way for a peaceful settlement will be found so that we may work unitedly on this matter irrespective of political differences. I shall reach Delhi on the evening of 5th. If you feel that it will be better for me to come and have a talk with you on the morning of 6th, you may kindly send me a message at my Delhi address—30, Tughlak Crescent, New Delhi.

Yours sincerely

Sd. Syama Prasad Mookerjee

Shri Jawaharlal Nehru,
Prime Minister of India, New Delhi.

Shri Nehru's Reply

New Delhi,
February 5, 1953

My dear Syama Prasad,

Your letter of the 3rd February reached me yesterday. I have however been so fully occupied by the Governors' Conference that I could only read it today and I am now answering it rather late at night.

2. Your letter, I suppose, is meant to be indictment of me and the policy we pursue. You can hardly expect me to enter into an argument on this subject. If you think that I have pursued a wrong policy, I am equally convinced that the policy you have pursued in regard to Jammu & Kashmir and certain other matters is completely harmful to India's interests and to the ideals we have always proclaimed. If my life's history denotes failure, that is my misfortune. In any event, whatever I have done has been very much before the public and they can judge me as they like. I am hardly likely to be influenced by the judgment of those who hold entirely contrary opinions and whose objectives are also different from mine.

3. According to my thinking, the agitation of the Praja Parishad in Jammu is not only communal but is supported by communal and narrow-minded elements in India. I have not a shadow of a doubt that if that narrow approach was adopted in our country as a whole, it would bring disaster in its train not only for the Jammu and Kashmir State but also to the larger interests of India. Believing this as I do, the only course that I can follow is to resist this utterly misconceived agitation. That is our Government's opinion and they propose to adhere to it and pursue that policy.

4. I do not know if your letter is meant to be a threat. The agitation certainly, as it has developed and perhaps as it was conceived to be, is a threat to India. I have often stated that the people of Jammu may have, as many people in India have, certain grievances which should be looked into. But it is clear that these grievances have little to do with the real objective of the agitation. Indeed,

only recently, the Jammu and Kashmir Government have appointed a Commission to enquire into these grievances. If the agitation had been mainly concerned with these, the appointment of this Committee would have been welcomed. Instead of this, it has been publicly stated that the agitation will continue.

5. This leads to the inevitable conclusion that those concerned with this agitation are not particularly interested in any grievances of the people relating to economic and like matters but think in other terms. The question of Jammu and Kashmir has often come up before Parliament and whatever has been done thus far has been done with the explicit approval of Parliament. The agitation therefore is against those decisions of Parliament relating to constitutional matters. This agitation also directly concerns itself, as your letter does with an issue which, you know, is an international issue with all the complications that this implies. Thus we have a certain section of the people of Jammu trying to interfere in international affairs and the foreign policy of India by the agitation and even gaining your support. You will remember that at one stage in Parliament, I ventured to say that a few people in the House were supporting the Jammu agitation. You and a few others challenged this statement and denied it. I presume that there will be no denial now of what I had then said.

6. In effect, this agitation challenges the authority and supremacy of our Parliament in a vital matter. It also seeks to interfere in international affairs which have far-reaching consequences. I am indeed surprised that you should expect me or our Government to countenance any such attempt which strikes at the roots of democratic Government and accepted canons of policy.

7. The questions you have put in your letter have been repeatedly answered in Parliament to the satisfaction of the House. I do not propose to flout the decisions of Parliament, whose behests I have to carry out as Prime Minister. Evidently your respect for our Parliament and its decisions is not very great. Apart from constitutional and democratic principles, I should have thought that it was apparent to any thinking person that, from a practical point of view, this agitation in Jammu could only profit the enemies of India. It could not possibly achieve even the objectives which the sponsors of the agitation declare. If this is so, then I cannot conceive why this folly should be continued, unless the real objective is something other and different. Gradually one is driven to the conclusion that this is not a normal agitation for the redress of grievances, but is an attempt to start a

subversive movement affecting not Jammu only but the rest of India. To that, any Government can only give one reply.

8. You suggest the release of those who have been arrested and a conference, presumably, with them. Neither the Government of India nor the Jammu and Kashmir Government desire to arrest or imprison any person unless circumstances are created which compel them to do so. But when such circumstances exist, they have to do their duty. What you suggest would mean, at the present juncture, the Government of India as well as the State Government ceasing to function and handing over authority to those who have challenged them on these basic constitutional issues by an agitation which has become increasingly violent and subversive. We have no intention of abdicating and running away from the duty that has been entrusted to us by the people and by Parliament. It would be an extraordinary thing for this agitation to be carried on and at the same time for those who do so to be given full freedom to indulge in their activities and to be asked in conference. I regret I am unable to treat the Praja Parishad or their associates in this manner. If indeed the agitation continues, it will be for us to consider what other and further steps Government should take in the matter. The larger good of India as well as of the people of Jammu and Kashmir State, with which we have been entrusted, is more important than the wishes of a group of persons who can only think and act in a narrow and bigoted way, and who do not hesitate to do deep injury to India's well-being for the sake of some fancied group advantage.

9. You say in your letter that you are coming to Delhi this evening and can see me tomorrow morning. I am always prepared, if I can find the time, to see you or others who may differ from me. But I regret that tomorrow and for the next day or two I am completely occupied. I confess also that, reading your letter, I find it a little difficult to discover any common ground for a talk. You have stated yourself that it is obvious that we do not see eye to eye with each other on this momentous issue.

Yours sincerely,

Sd. Jawaharlal Nehru

Dr. Syama Prasad Mookerjee, MP,
30 Tughlak Crescent,
New Delhi.

Dr. Mookerjee's Letter

30 Tughlak Crescent,
New Delhi,
Feb. 7, 1953.

My dear Jawaharlalji,

I received your letter of 5th February yesterday morning. Believe me I had no intention to carry on a protracted correspondence with you unnecessarily. My sole desire was to find out if there was any possibility at all of both sides appreciating each other's point of view and trying to come to an agreement which would be to the good of the country, including Jammu and Kashmir. Apparently you are not in a mood even to understand the views of those who differ from you, far less to talk to them. You have couched your letter with many abuses and I do not propose to reply to them. I am sure in your cooler moments you yourself will regret that you could not reply to arguments with arguments, but had only to cast motives upon and make wild aspersions against those who differed from your official policy. The Commission has not roused any hope or confidence. Its terms of reference are narrow. Its composition is defective. It has to work in an atmosphere surcharged with distrust and bitterness. It cannot obviously deal with basic political and constitutional matters.

I and many others honestly feel that the demand on the part of a section of our own countrymen living in the State of Jammu and Kashmir to see that their State is finally integrated with India and is governed according to the Constitution of Free India is not an unpatriotic or disintegrating or communal move. You cannot crush this natural urge by sheer force or repression. If, according to you and Sheikh Abdullah, there are practical difficulties in implementing this demand in full immediately, there are ways of dealing with it so as to create an atmosphere of mutual understanding and confidence, freed from fears and doubts. Matters relating to Jammu and Kashmir have been bungled by the authorities many a time and at many crucial moments a wrong psychological approach had been made by them.

The present movement has been forced on the people because they could get no remedy through constitutional means. This has

been a spontaneous movement with widest local support. We never instigated this from outside the State. It was this charge of yours which we repudiated in Parliament and I do so once again. Undoubtedly a satyagraha movement is not a normal procedure and should not be lightly resorted to. But what remedy is open to them if they find that their repeated efforts to settle momentous matters on the basis of negotiations do not find any response from the authorities? Even today when they are paying in blood and suffering for what they regard as their birth-right they evoke no sympathy or consideration from you. In the eyes of yourself and Sheikh Abdullah they are political untouchables. The tragedy is heightened by the fact that they represent a community well-known for its patriotism, bravery and martial strength.

You have talked about democracy. Does democracy mean the imposition by brute force of the will of the majority on the minority? I agree the minority should not as a rule obstruct and create deadlocks. This can and should be prevented in a really democratic State where the majority shows its willingness and capacity to appreciate the opposition's point of view and both are prepared to make rational adjustments for the common good. Parliament is in danger of ceasing to be democratic forum when this basic approach disappears due to totalitarian tendencies. Parliament is not greater than the country itself and any timely warning sought to be given to the people or to appeal to them against any wrong governmental policy is certainly no offence against Parliament's authority as such.

I do not know how you can treat my letter as a threat. We have no intention to offer any threat nor have we the means to do so. Our struggle, if it becomes inevitable must be of a non-violent character and intended to record our protest against the official policy which could not otherwise be altered. We can only hope in this manner to rouse public opinion effectively. Who knows it may also help to bring about a change in the minds of yourself and Sheikh Abdullah?

So far as threats and use of force are concerned, the entire resources of Government are at your disposal and at that of Sheikh Saheb. From the tenor of your letter it appears that you are determined to use them against your political opponents. Let me assure you we are ready to face the consequences of your wrath and

fury. The arrest of a number of our members and workers in the Punjab yesterday under the Preventive Detention Act is an indication of the things that are to come. It reflects a strange functioning of democracy in our country. The Congress party, Sheikh Abdullah and his party-men and others who support the present Kashmir policy will be given unabated opportunities to carry on their propaganda. Up till now although meetings and demonstrations have been held throughout India, opposing your policy on Kashmir, there has not been a single occasion where violent methods or any subversive activities had taken place. Yet according to the democratic principles as operative in India today, the Prevention Detention Act has to be made use of for curbing legitimate political opposition. You talk very often of Gandhism, Gandhian technique and "healing touch" and claim that you and your Government do not believe in the use of force or violence but are always anxious to proceed on the basis of discussions and negotiations. It is said to think that my efforts to persuade you to proceed on your oft-declared principle in respect of a matter which admittedly may have serious repercussions has failed till now to evoke response from you.

You will forgive me if I fail to appreciate your repeated reference to possible international complications as a result of the Jammu movement. No one today would claim that your handling of the Kashmir problem has enhanced our international prestige or has won for us wide international support and sympathy. On the other hand, your policy in this behalf has added to complications both at home and abroad. Statesmanship requires that you should re-examine the whole matter dispassionately, and instead of being haunted by false internationalism firmly create conditions for national solidarity based on a fair adjustment of different view-points and interests. If you succeed in this, it will give you greater strength and prestige even in international dealings.

There is one apparent misunderstanding in your letter which I should correct. You seem to think that I had suggested that the Jammu movement would continue and at the same time there should be an order for release of prisoners followed by a conference to be held with Jammu representatives. This is not correct. Obviously if it is decided by you to start discussions with Praja Parishad leaders, and others, the movement should not continue during such period and

should stand suspended. This has been so on all similar occasions in the past, as you may yourself recall from your own experience.

I do not wish to inflict a longer letter on you. I only wish to close this correspondence with my deep regret that your replies have a painful resemblance with similar communications which Heads of British Governments in India, carried away by a sense of power and prestige, used to address while refusing to take note of the manifestation of the will of the people. The only difference is that while we disagree on some vital matters, we are children of the same Mother, and with a little good-will and toleration on both sides we should have been able to avoid a serious cleavage. If you feel in the country's paramount interest that you should set aside questions of prestige and partnership and explore the possibilities of a peaceful settlement, our whole-hearted co-operation will be always at your disposal. Even at this late hour I firmly believe this is possible and it is you who can take the initiative.

Yours sincerely,

Sd- Syama Prasad Mookerjee.

Shri Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

Shri Nehru's Reply

New Delhi,
February 10, 1953.

My dear Syama Prasad,

I have received your letter of February 7th. After reading it, I confess to a feeling that we move in somewhat different mental worlds and the same words have different meanings for you and me. You are continually accusing me of making wild aspersions and the like. Your own letters have not been couched in what might be called gentle and persuasive language.

It is patent that my colleagues and I, and I am sure Sheikh Abdullah and his colleagues, do not wish this unfortunate conflict in Jammu to continue. Nothing could please us better than that it should end, not only because it is bad in itself, but, even more so, because it leaves a trail of bitterness and hatred. That conflict was none of our seeking. It may be that some policies pursued by the Government of India or by the Government of Jammu and Kashmir State were not approved of by a certain section of the people in Jammu. I am sure there were other and better methods to adopt to give expression to their views than this method of so-called satyagraha which has resulted in conflict and suffering. I have before me a detailed list with full particulars of over a hundred officers, high and low, including District Magistrates, Superintendents of Police and Constables, who have been more or less seriously injured by the crowds of so-called satyagrahis. That is hardly an evidence of a peaceful agitation.

But, however that may be, nothing would please me better than to put an end to this business. You say that the Commission appointed to enquire into economic and other grievances is defective and its terms of reference are narrow. Further that it cannot obviously deal with basic political and constitutional matters and it has to work in an atmosphere surcharged with distrust and bitterness. I entirely agree to the last two propositions about the basic constitutional matters and the atmosphere. How is one to improve this atmosphere? surely by stopping this ill-advised movement and facing these economic and like problems. The alternative is, not to appoint a

Commission till the movement ends. If that course had been adopted, people could have justly criticised us for not taking the right step because of something else that was happening.

As for the composition of the Commission, I doubt if any other type of Commission would have appeared to you to be better. It is an official Commission presided over by the Chief Justice, who can be relied upon to take an impartial view. If non-officials had been appointed, the criticism would undoubtedly have been made that they are not representative. It was better, therefore, to have a high-class official Commission, unconnected with parties and the like.

The terms of reference are wide, but certainly they do not deal with political and constitutional issues. Would you have a Commission sit in judgment over Parliament and decide grave national and international issues? I really am surprised at this criticism.

Whether I have made mistakes in the past or not in dealing with the Kashmir issue on the national or international plane, has hardly any relevance in the present context. We have to take things as they are now and to deal with them as such. I fail entirely to understand how these high constitutional matters affecting the whole of India and affecting international issues, can be made the subject of a local agitation. Nor do I understand how we can even discuss these matters with some local group, quite apart from the fact that that local group is indulging in an aggressive and subversive agitation.

I think this is important. In effect it means agitations against the authority of Parliament. Certainly, Parliament is not greater than the country, but it is normally presumed that Parliament represents the country. Certainly also, a certain group in Jammu is not greater than the country. Is the entire country and Parliament to be coerced by local groups in matters affecting the entire country? I am sure that if you give this matter thought you will appreciate that this a proposition which cannot be advanced. I have to function in accordance with the Constitution of India and under the authority of Parliament. If Parliament decides something which I think is contrary to my convictions in basic matters, then it is my duty to leave my post and let others hold it. In no event can I override decisions of Parliament. Normally speaking, in every State, whether it is the J & K. State or any other State in India, the State has the authority and power under the Constitution to deal with certain matters. The Central Government can intervene in some matters and advise in others. It cannot override

the autonomy of the State. You are pleased to accuse me of totalitarian tendencies. I have thought that this charge could be relevantly brought against those who wish to impose their will on Parliament and the country as a whole.

I really do not wish to enter into any argument because, as I said, we appear to move in different mental spheres. I try to the best of my ability to judge a situation in terms of the objectives that I have in regard to India. I endeavour to work to that end with such strength as I possess. I have no doubt that you wish well to India, but the fact remains that our conceptions of what is well for India appear to differ. Because of this, our past lives have moved largely in different spheres. Neither of us can wipe out or ignore that past which has produced the present. I consider the communal approach to India's problems, or to any other problems, as inherently bad, narrow and injurious to the individual, the group and the nation. You object to my using the word 'communal' and deny my charge. Obviously we think differently and our actions are presumably the result of our thinking.

However, all this does not help much in the present situation. I can assure you that I want peace in India with all my heart. That is a prerequisite for any work to be done. But you will not expect me to do something which I consider completely wrong and harmful in the interests of India. If I could venture to advise you, I would suggest that you exercise your influence to put an end to this agitation in Jammu, which cannot possibly do any good and which can certainly do much harm.

Yours sincerely,

Sd. Jawaharlal Nehru

Dr. Syama Prasad Mookerjee, M.P.
30, Tughlak Crescent,
New Delhi.

Dr. Mookerjee Letter

30, Tughlak Crescent
New Delhi,
12-2-53.

My dear Jawaharlalji,

I thank you for your letter of February 10th. It will serve no useful purpose for us to discuss in this correspondence the justification of our both moving in different mental spheres or even to discuss the merits of such spheres. It is my belief that there is and there should be much in common between you and me regarding the real needs of our country. We may however honestly agree to differ in respect of some vital matters but even in this sphere there is no reason why we should not try to understand each other's view-point without taking recourse to mutual recrimination or imputing base motives to each other.

I quite agree with you that in the context of Jammu controversy all these discussions are somewhat irrelevant and unreal. The movement should come to an end as quickly as possible both according to you and me. The question is how this is to be done without sacrificing any basic principle.

There is no question of any body coercing the State to decide anything by aggressive and subversive means. The movement has been started because all constitutional means were of no avail even to secure a joint discussion between the parties concerned. You have said that you have before you a list of 100 officers who have been injured by crowds during the last few weeks. I have before me a list of typical cases of excesses and atrocities which reflect no credit to the authorities. Apart from these about 30 to 40 persons have been shot dead by police firing. Not one person has been killed on the official side. This certainly shows that whatever crowds might have done, the sponsors of the movement have directed the strict adoption of non-violent methods. However it is not my purpose to go into these aspects just now. I am equally anxious with you that the present movement should terminate. You have been good enough to ask me to exercise my influence to put an end to this agitation. I am prepared to do

so provided you and Sh. Abdullah create suitable conditions for giving effect to it.

The only way this can be done is to make the sponsors of the movement appreciate that you and Sheikh Abdullah are prepared to discuss all matters with them with an open mind and arrive at decisions which would meet their legitimate demands. I would suggest that you and Sheikh Abdullah should meet some of the leaders preferably in Delhi. If this offer is communicated to them, they will, I hope, agree to suspend the movement. If on the other hand you feel that this procedure may create complications unless some understanding is previously reached regarding the possibility of ultimate agreement on the main issues and withdrawal of the movement, we may have a discussion on the several points raised and see what should be a fair approach to their solution. Naturally I cannot commit the Praja Parishad but knowing as I do their minds to some extent I can make some suggestions to you for your consideration. If there is a general agreement, I may send a communication to Pt. Prem Nath Dogra giving him my advice.

The points for consideration are as follows :—

1. Finality of accession to India through a resolution to be adopted by the Constituent Assembly of Jammu and Kashmir.
2. Adoption by the State of the provisions of Indian Constitution regarding such matters as Fundamental Rights, Citizenship, Financial Integration, Abolition of Custom Duty, Supreme Court: Emergency Powers of President and Conduct of election. These are to be implemented within a stated time.
3. In respect of the rest of the Indian Constitution Sheikh Abdullah should indicate what deviations, if any, he desires to be made. These are to be considered on their merits.
4. Jammu and Kashmir Constitution as finally agreed will be part of the Indian Constitution.
5. Provincial Autonomy to Jammu and Ladakh without change of boundaries,

6. Acceptance of supremacy of Indian Flag,
7. Policy regarding liberation and occupation of the Pakistan held territory.
8. Commission of Enquiry with majority of judges from outside the State to go into all grievances including Dharmartha Trust, excesses committed by Police and compensation to the families of sufferers, especially who have been shot dead.
9. Restoration of the pensions, properties etc. to people against whom confiscation orders might have been passed.

None of the matters mentioned above is incapable of reasonable solution if both sides proceed with an open mind. If you feel that my approach is correct, we can have a detailed discussion and decide what course of action should be taken in the best interest of Kashmir and the country as a whole.

You and Sheikh Abdullah can well rise equal to the occasion without standing on false prestige and create a new atmosphere which will make it possible for all parties irrespective of other differences, to put forward our national demand on the Kashmir issue. I hope you will appreciate the spirit in which this letter is written and take action to bring the impasse to an end.

Yours sincerely,

Sd. Syama Prasad Mookerjee

Pt. Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

Shri Nehru's Reply

New Delhi,
February 12, 1953.

My dear Syama Prasad,

Thank you for your letter of the 12th February.

I am always prepared to meet you and discuss any matter. But the points for consideration that you have suggested are most of them hardly capable of consideration even by Government by itself and much less so with non-official organisations or individuals. It is easy enough for the Constituent Assembly of Jammu and Kashmir State to pass a resolution approving of or confirming the accession to India. They can certainly do so. But that does not bring finality in the sense that you perhaps mean. That finality is tied up with other considerations which are not wholly within our control. As a matter of fact, the action that the Constituent Assembly of J & K State has already taken in regard to various matters, more especially in confirming the agreement arrived at with the Government of India, is itself much more than confirming the previous accession. It goes beyond it in many ways.

Some of the matters you have referred to have been included in the Constitution that is being framed by the Constituent Assembly of J & K. One cause of delay in doing this has been, I imagine, this agitation itself which has made it difficult for the Government of J & K State to expedite these matters.

It has been stated very clearly and on occasions acted upon that the Indian Flag is supreme.

Regarding the policy for the liberation and occupation of Pakistan-held territory, this is surely not a question that can be discussed, as it depends upon all kinds of political and military matters. You will appreciate that no Government, however powerful, can do just what it wants to do. There are limiting factors. Even the great powers cannot do what they want to do and therefore come in conflict with each other and a deadlock, threatening the peace of the world, continues. Indeed the Jammu agitation has made it much more

difficult to deal with the question of the Pakistan, held territory, because it must have created far-reaching repercussions on the people there. We do not think in terms of holding any territory by force of arms and have to rely on the goodwill of the people concerned.

Even in States other than Jammu and Kashmir, we have to respect provincial autonomy and, though we give advice to our colleagues there, we do not interfere. No State Government can carry on if it is overridden by the Central authority.

I am sure that the right course is for this agitation to be withdrawn and an attempt made on all sides to bring about normality and goodwill. That is the basis of any progress and removal of grievances or disabilities.

You are no doubt aware that at the present moment conversations are being carried on by our representative, Girja Shankar Bajpai, with Dr. Graham and the Pakistani representative in Geneva. In international affairs of this kind no country can take up an attitude of dictating terms. Even the greatest cannot do it and we have to proceed cautiously and with patience and at the same time firmness in so far as our principles are concerned. You can imagine the effect of the present Jammu agitation not only on those hostile to us but also in other countries and more especially on the conversations taking place in Geneva.

Yours sincerely,
Sd. Jawaharlal Nehru

Dr. Syama Prasad Mookerjee, M.P.,
30, Tughlak Crescent,
New Delhi.

Dr. Mookerjee's Letter

30, Tughlak Crescent,
New Delhi,
February 14, 1953.

My dear Jawaharlalji,

I thank you for your letter of the 12th February.

I believe the issues have been narrowed down to a considerable extent and if we really so wish, we can bring about an early and amicable settlement. The specific points which I mentioned in my letter arise out of fears and doubts in the minds of the people of Jammu. The manner in which these should be dispelled would depend on a frank discussion with them. What you and Sheikh Abdullah have to decide first is whether you are willing to talk to them. I would implore you to do so. You have said that the right course is for the agitation to be withdrawn and an attempt made on all sides to bring about normality and goodwill. The question is how to get this done. When a movement goes on and the sponsors believe that they are struggling for a right cause and have undergone sacrifice and suffering including loss of lives, any approach for settlement must proceed on humane considerations based on mutual understanding. I do suggest therefore that both of you should agree to meet some selected representatives of the Praja Parishad and this should be followed by an immediate suspension of the movement. The process of bringing about normality and goodwill will then, I trust, automatically follow. If their view-points are met in a fair and just manner, there is no reason why they should not heartily reciprocate.

I mentioned certain specific points in my last letter so that you might know the matters that you would have to deal with. I do not wish to reply to your letter in detail, but may just indicate a few aspects of the points you have raised. The first point relates to the finality of accession. This is a vital matter not only for Jammu but for the entire State and indeed for the whole of India. I earnestly urge you and Sheikh Abdullah to accept the suggestion that I have made and permit a resolution supporting the accession to be passed by the J & K Constituent Assembly. Whatever may be the nature of the

obstacles that we will have to face from U.N.O. and Pakistan, our position will not be weakened by this step ; on the other hand within India and Kashmir you will have one solid opinion supported by all parties. Really speaking accession was not the issue on which we went to U.N.O. If today U.N.O. desires to know how the will of the people is going to be expressed, we can certainly justify our reply that this will has been expressed through the Constituent Assembly and the matter is settled as between India and Kashmir. The stalemate between U.N.O. and Pakistan may still continue and may have to be settled in some other way later on.

I admit that such a declaration may be injudicious just when talks are going on in Geneva. If however an assurance to this effect is given to the Jammu representatives, I shall myself ask them to be satisfied with this and not to press for any open declaration at this stage. This may be given effect to in normal way after the Geneva talks have come to an end.

Regarding liberation and re-occupation of Pakistan-held territory also, no public declaration need be made but a fuller appreciation of the situation can be made as a result of your discussion with the people concerned.

If, as you say, the Indian flag is supreme, its daily official use may be agreed upon exactly in the same manner as is used everyday through the country. The State flag may be used in addition on special occasions.

Regarding the applicability of the provisions of the Constitution, we should set aside all technicalities and agree to proceed in a practical manner. As you are aware your agreement with Sheikh Abdullah has got to be amplified as a number of points on which general agreement was reached have not been clarified. I do not think we will have any difficulty in agreeing to the minimum number of subjects which will be immediately applied to J & K. As regards the rest, we may postpone consideration till we know what specific proposals the State authorities have to make for the purpose.

As regards grievances and other local matters Sheikh Abdullah has repeatedly declared and has written to me also stating that he was willing to have an independent enquiry. The only question is to prepare comprehensive terms of reference and have a tribunal which

will enjoy the confidence of all concerned. Release of prisoners and withdrawal of bans and punishments need not present any difficulty.

I do honestly feel that the situation can be tackled if all of us proceed with a genuine desire to create a new atmosphere. Believe me I share your view that the continuance of the movement or its extension to any parts of India may have serious repercussions. My genuine anxiety has been to find out if this can be avoided at all. Your last letter gives me hope that this is not beyond the range of possibility. You and Sheikh Abdullah have powers of Government in your hands and naturally constitute the more dominant party. Without sacrificing principles you can certainly proceed in a spirit of generous understanding and create an atmosphere where all of us, in spite of other differences, can agree to present a united front on the Kashmir issue.

I am leaving for Calcutta early tomorrow morning and shall be back here on Monday afternoon. I am willing to come and see you some time today if you feel that at this stage a personal discussion may be helpful. You will have to communicate your views to Sheikh Abdullah or even before you finalise your views you will have to consult him. I wrote a letter to him yesterday in reply to his last letter and have given him copies of my correspondence with you. I could not send him your letter of the 12th February as it had not then reached my hands. I shall be glad to come and see you any time today that suits your convenience except between 6 and 7-30 p.m.

Yours sincerely,

Sd. Syama Prasad Mookerjee.

Pandit Jawaharlal Nehru,
Prime Minister of India, New Delhi.

Shri Nehru's Reply

New Delhi,
February 15, 1953.

My dear Syama Prasad,

Thank you for your letter of February 14. I was so very busy yesterday that I did not read your letter till late at night. It was only then that I noticed that you had suggested our meeting in the evening. It was too late then and you have now gone to Calcutta.

There can be no two opinions that we are all anxious to bring about normality in Jammu and to put an end to this deplorable agitation and conflict. But many of the questions you have raised in your letter are so far-reaching and complicated that they cannot be considered in a casual and hurried way. In so far as some of them are concerned, we have arrived at decisions after very full and long argument between the Government of India and the Government of J & K State and it is not quite clear to me how we can discuss them, except, when the time comes, as between the two Governments.

As I pointed out to you, every State normally deals with these problems itself and the Central Government does not intervene except by way of advice occasionally. Any other course would not only be rather against our constitutional procedure but would come in the way of the responsibility of the State itself.

The Constituent Assembly of J & K State will be meeting sometime in the near future. It will presumably consider the reports of certain Committees appointed by it. Those committees are now sitting. I do not see how even the Kashmir Government can bypass all this procedure. As for the Constituent Assembly passing a resolution supporting accession, it can certainly do so if it so chooses. As a matter of fact, all its proceedings are based on accession and proceed on that assumption. Nothing more can be added to that by a resolution. I have no objection to such a resolution. It is not this point that creates difficulty, but saying that such a resolution finally ends the reference to the U. N. The position we have thus far taken up and publicly stated is that the J & K Constituent Assembly has every right to express its views on this as well as other matters, but

that the assurances we have given to the U.N. are our responsibility and have to be judged accordingly.

The real difficulty, as I have pointed out to you previously, is the whole background of this business. Whatever anyone's motives might have been, it is undoubtedly of an extreme communal colour with all the disturbances that such an approach leads to. It comes up, therefore, against the basic policies in India that we have sought to follow with some measure of success. Most of the people associated with it have opposed those governmental policies in the past and taken up a line which we consider communal and harmful to the interests of the country. The speeches made in support of this movement have been extreme and even violent and have brought out this basic communal element. I was deeply distressed to read the reports of the speeches made at last Sunday's meeting in Delhi. Reading reports of those speeches, the question of Jammu sank into the background and other major questions of policy were emphasized. Between these two basic approaches, there is no common ground. Subject to our holding fast to the principles which have guided us and to the policies which we have pursued, the Government will gladly do all in its power to bring about normality and peaceful cooperation in the Jammu and Kashmir State. I am sure that Sheikh Abdullah and his Government hold the same opinion. But this agitation was not of our seeking and the first step should be to withdraw the agitation completely.

Yours sincerely,

Sd. Jawaharlal Nehru

Dr. Syama Prasad Mookerjee
30, Tughlak Crescent,
New Delhi.

Dr. Mookerjee's Letter

30, Tughlak Crescent,
New Delhi.

February 17, 1953.

My dear Jawaharlalji,

Thank you for your letter of the February 15 which reached my hands on my return from Calcutta yesterday afternoon. I have no desire to repeat the points that I have already urged for your consideration in my previous letters. It seems that although we are all anxious to bring about normality and peaceful cooperation in Jammu and Kashmir, we are not agreeing on the procedure to be followed for ending the present impasse.

You have again brought the charge of communalism against your political opponents. I have already refuted it and tried to indicate our attitude to some of the basic problems where we may differ from you. When we start talking about mental approach, unrelated to specific matters, discussions take an abstract turn and imaginary charges are hurled. Perhaps some day you and some of us against whom you hold this charge of communalism can meet in a quiet atmosphere and have a frank exchange of views so as to appreciate each other's points of view and find out how far your or our approach is harmful to the larger interest of the country and what exactly the issues are on which we disagree. But these considerations are somewhat irrelevant for our immediate purpose. By constantly doubting each other's motives we will not pave the way for bringing the Jammu agitation to an end speedily.

You have referred to certain reports of speeches delivered during the election meetings in Delhi. I had attended only three meetings myself. I have no personal knowledge as regards the detailed speeches delivered on all occasions. Some of the speeches no doubt were strong and there may be honest difference of opinion as regards the approach made by some speakers. But it is not safe to rely on CID reports or on what might have been conveyed to you by some interested people. Extracts from speeches read out from their context are very often misleading. I have received reports of some of the speeches delivered on Congress platforms which indicate not only bad taste but are also

false and perverted. I myself heard some slogans uttered by Congress processionists when my car came at the rear of one such procession. They were provocative and objectionable. I took no notice of them for I know that sometimes party enthusiasm can sweep people off their feet and they need not be taken very seriously. All these no doubt raise important questions regarding public behaviour of leaders and workers belonging to different political parties. There is need for our observing a common decent standard if public life is to develop properly in this country. These considerations, however, do not and should not affect our immediate task of settling the Jammu agitation.

You seem to think that I had suggested that you should immediately agree to make commitments on important constitutional matters without proper consideration of the issues involved or passing through the usual procedure laid down for such consideration. Undoubtedly it would be for Government ultimately to settle these matters. If however there are doubts and fears in the minds of the people who will be vitally affected by such decision or if Government's policy in some respects is intensely disliked by such interested people, there must be some means of holding discussions with their representatives and trying to understand each other's standpoint. Normally speaking there is no reason why such talks should not take place with an open mind on both sides and why the Government should not agree even to mend its policy in case it is found that amendments are necessary in national interest. There is no question of constitutional technicality here. Of course there are special committees and Constituent Assembly and other bodies that will have to consider all these matters. Both in India and J & K the power of Government is controlled by well-knit political parties which have an over-whelming majority and if any correct decision is taken by the leaders there is no reason to expect that they will be repudiated by the respective organisations.

The real question is how the movement should be brought to an end. I had suggested a procedure which apparently is not acceptable to you. Unfortunately you have made no alternative suggestion except to repeat that the movement should be withdrawn completely.

You have added that after this is done, subject to your holding fast to the principles and policies which you have followed in the past, you will do all in your power to bring about normality and peaceful

co-operation. This you will agree will not help to create an atmosphere for bringing about the settlement. When a movement continues for several weeks resulting in loss of lives and various kinds of alleged oppression and excesses, it cannot be withdrawn unless there is some basis for appreciating that the objectives for which the struggle had been launched would be properly considered by the authorities. You will also realise that it is not for me or for anybody else in India to withdraw the movement. This must be done by the persons who have started it and many of the leaders are now behind the prison and some idea has to be communicated to them of what is to happen in future.

After considering the matter fully and also your determination that the movement must be withdrawn completely as a first step, may I suggest the following procedure for your consideration:—

1. The movement is withdrawn.
2. Order for the release of prisoners is given and there will be no victimisation.
3. You and Sheikh Abdullah call a conference, say, after a fortnight where all political and constitutional matters are discussed with an open mind.
4. Both parties reiterate that the unity of the State of J & K will be maintained and that the principle of autonomy will apply to the province of Jammu as a whole and of course also to Ladakh and Kashmir Valley.
5. The new constitution to come into force as soon as possible and elections to take place within, say, six months.
6. Question of flag is to be clarified and Indian flag should be in use everyday just as is done in all other parts of India.
7. Implementation of the July agreement will be made at the next session of J & K Constituent Assembly after the issues left vague have been properly clarified. In respect of fundamental rights, citizenship, Supreme Court, President's powers, financial integration, conduct of elections, provisions of the Indian Constitution will apply. Exception however may be made with regard to conditions for acquisition of land.

8. The terms of reference of the commission of enquiry will be widened and all grievances will be examined by it.
9. The commission now includes 4 persons, Chief Justice, Accountant General, Chief Conservator of Forests and Revenue Commissioner. The last three gentlemen are administrative officers under J & K State and they can hardly inspire confidence. The commission should be reconstituted with 2 Judges from India and the Chief Justice of J & K so that its impartiality and representative character may not be questioned.
10. Regarding finality of accession and other political matters, the conference will consider these points from every aspect and agreement sought to be reached which will be to the best interest of India including J & K.

If there is some agreement as regards the general approach to the problem, contact will have to be made with Pt. Prem Nath Dogra. It will be for him to take the ultimate decision. Of course we will advise him what in our opinion should be done for a peaceful and speedy solution. I am sure he and others will not take up an obstructive attitude and will be ready to cooperate in every possible way.

I am receiving alarming reports about the nature of oppression that is now going on including outrages on women. The National Militia has also been brought out for suppressing the movement. As you know very well the Militia mostly includes Sheikh Abdullah's party men, the majority being Muslim. Already reports of their activities in the affected areas have reached us which are of a disturbing character. If now it is proposed to use them officially, it may take a very serious turn. Up till now not one communal incident has happened and not one person has been killed on the official side. If today Government decides to rely only on force, police and semi-military for suppressing the movement it may lead to disastrous consequences.

I have gone the utmost that I can for reaching a settlement. I cannot commit anybody on behalf of the Praja Parishad. Whatever I have said is on my own responsibility but I have indicated a

general line of approach which, I feel, may bring this unfortunate chapter to a close.

If you feel that the above suggestions are worthy of your serious consideration and they should be discussed personally, I shall be glad to come to see you at any time convenient to you. If however, you have finally decided that the movement is to be withdrawn unconditionally and there can be no understanding regarding any other point then I shall have to conclude with deep regret that I have failed in my efforts.

Yours sincerely,

Sd. Syama Prasad Mookerjee

Pt. Jawaharlal Nehru,
Prime Minister of India, New Delhi.

Dr. Mookerjee's Letter

30, Tughlak Crescent,
New Delhi.
28th February, 1953.

My dear Jawaharlal Ji,

I propose to release on 3rd March our correspondence ending on February 17, regarding the Jammu movement. I have received many enquiries from far and near regarding the justification or otherwise of the stand taken up by us on this issue. It is fair both to you and us that our respective approaches, specially the efforts that I made for securing a peaceful settlement, should be fully known to the public. I propose to release this correspondence on 3rd March. I hope you will also direct the release of the correspondence ending on 17th February on the same day.

I am writing to Sh. Abdullah on similar lines.

I am leaving for Calcutta by the night air service today and shall be back here on the morning of the 3rd March.

Yours sincerely,

Sd. Syama Prasad Mookerjee

Pt. Jawaharlal Nehru,
Prime Minister.

Shri Nehru's Reply

New Delhi,
March 1, 1953.

My dear Syama Prasad,

Your letter of 28th February. You can certainly release correspondence you have had with me in regard to the Jammu agitation.

Yours sincerely,

Sd. J. Nehru

Dr. Syama Prasad Mookerjee, M.P.,
30, Tughlak Crescent,
New Delhi.

PART II

Abdullah-Mookerjee Correspondence

PART II

Appendix - Miscellaneous Correspondence

Dr. Mookerjee's Letter to Sheikh-Abdullah

77, Asutosh Mookerjee Road,
Calcutta 25,
January 9, 1953.

My dear Sheikh Sahib,

I am enclosing copy of a letter* which I am addressing to Sri Jawaharlal Nehru. Much of what has been stated in the letter is also meant for you, and I do not wish to repeat what I have said in it. I would earnestly request you to take the initiative and bring the Jammu movement to an end. You have proved through your own career that repression can never suppress a popular movement. History will repeat itself in this case also. You will have to appreciate the point of view of your opponents and, as a democratic leader, meet the just and legitimate demands of those who are struggling against you and Mr. Nehru. The issues at stake affect not only your State but the whole of India and I hope you will move before the situation further deteriorates.

I hope you will appreciate the spirit in which I am writing to you and Mr. Nehru. Abuses and counter-abuses will give us no remedy. The issues are capable of being discussed in a spirit of understanding and good faith and a solution reached which will be fair and just to all concerned.

Yours sincerely,

Sd. Syama Prasad Mookerjee

Sheikh Mohammad Abdullah,
Chief Minister,
Jammu & Kashmir,
Jammu.

* The letter referred to appears on page 1 of this publication.

+

-

Sheikh Sahib's Reply

Jammu Tawi

February 4, 1953.

My dear Doctor Saheb,

I received your letter of 9th January enclosing a copy of your letter to Shree Nehru only on my return from Hyderabad. Consequently, there has been some delay in replying to it.

I thank you for having given me this opportunity of writing to you on the Jammu situation in which you have evinced so much interest. When I met you in Srinagar in September last year, I had explained to you in detail our point of view in regard to some important issues pertaining to the State of Jammu and Kashmir. I had the satisfaction that as a result of that meeting you had somewhat appreciated our position because soon after you publicly spoke in more or less sympathetic terms about the difficulties that I and my colleagues were facing.

✓ On this occasion, however, I regret to note that you do not view with dispassionate understanding the peculiar situation that obtains at present in Jammu. On the contrary, you charge the Government with using repressive measures against the agitators. You seem to be of the opinion that the responsibility for this situation lies with us. I wish you had not drawn such hasty conclusions.

✓ You have referred to the legitimate demands of the Praja Parishad and have pleaded that they should be accepted. Before I touch this aspect we might pertinently examine the attitude of the Parishad to the question of accession itself. There is conclusive evidence to show that the Praja Parishad is determined to force a solution of the entire Kashmir issue on communal lines. Its leaders have expressed their views publicly to this effect, and I give below a few extracts from their speeches. These views leave no doubt as to the real motives underlying the present agitation :—

*"Our way is not with Kashmir. Sheikh is not acceptable to us.
We cannot tolerate Jammu and Ladakh going to the winds.*

We want the people to have blind faith in Praja Parishad and get ready by putting shrouds to attain our goal."

(Shree Madan Lal, Secy. City Praja Parishad, at Samba on 20-10-52).

"We would put an end to Sheikh Abdullah and other workers of the National Conference. We will suck their blood. We will root out this Government and send them to Kashmir. We do not like this Raj."

(Shree Reshi Kumar Kaushal, Member, Praja Parishad Working Committee, at Reasi on 23-11-52).

What is really intended has been given out in a recent publication of the Praja Parishad. It says :

".....The present Constituent Assembly consists of 75 members. Its detail is as follows :—

Province	General	Muslim	Buddhist	Total
Kashmir	3	41	—	44
Jammu	21	8	—	29
Ladakh	—	1	1	2
Total	24	50	1	75

These figures clearly show that Sheikh Abdullah's Muslim dominance cannot and should not be forced upon Hindus and Buddhists of Jammu and Ladakh....."

(Page 12 of the pamphlet entitled "Jammu rejects a separate Constitution for Jammu and Kashmir State" issued by the Publicity Secretary, All Jammu and Kashmir Praja Parishad, Jammu)

✓ You have referred to the participation of Muslims in the present agitation. I wonder whether in view of these avowedly communal views of the Praja Parishad and its past treatment of the Muslims, any sane Muslim would seriously think of associating with the present agitation. On the contrary the Government have received representations from Muslims living in the disturbed areas for protection against the Parishad terrorism.

✓ Let me come to what you have termed as the legitimate demands of the Praja Parishad. You refer to the sense of insecurity and un-

certainly in regard to the future of Jammu from which the people here suffer. This uncertainty is not confined to Jammu alone. It is shared by the people of Kashmir and Ladakh as well. But what is the way out? It does not lie with me or with our Government to settle a dispute which is pending before the U.N.O. All of us are certainly eager that a speedy and satisfactory settlement should be arrived at. But the Praja Parishad has flung the demand in such a way as if I stand in the way of the solution of the problem.

✓ Let me mention here that there seems to be a fundamental difference of approach to the Kashmir problem between various political parties in India. You refer to the Kashmir question being a national question. This would naturally presuppose a uniformity in the viewpoints of different parties in India. But, unfortunately, much ill-informed and contradictory comment has been offered in regard to the position of the State. Not only is there lack of unanimity in regard to the objective but also in the methods suggested for achieving it. This adds to the obscurity of the issue nationally as well as internationally.

✓ It is a legitimate right of every Indian to understand properly the Kashmir problem. But when such understanding becomes vitiated, it naturally warps judgment. I understand that the Jan Sangh has secured the cooperation of Master Tara Singh, the Akali leader. It is interesting to know what Masterji has to say about Kashmir. In his speech at Lucknow he is reported to have said :

"Kashmir belonged to Pakistan. It is a Muslim State. But I claim it in lieu of the property that the refugees have left in West Pakistan."

He has a solution to the problem as he says about the Kashmir Muslims that they should be driven to Pakistan, *"the country to which the Kashmir Muslims really belong."*

I do not know what to say to this piece of wisdom and statesmanship.

Then again, Mr. N. C. Chatterjee, the President of the Hindu Mahasabha, in his presidential address at Bhopal, while pleading for changing the Constitution to bring it in conformity with Hindu ideals, said in regard to Kashmir that the Hindu Mahasabha would strive...

"To demand the withdrawal of the Kashmir issue from the U.N.O. and also to demand the complete accession of the State of Jammu & Kashmir to India and the acceptance of the Indian Constitution."

The Jan Sang has also its own views in regard to the future of the State some of which you have expressed from time to time. At a Press Conference recently you are reported to have said :

"If the people of the Kashmir Valley think otherwise there can be specific provision for this zone for the time being. We would readily agree to treat the valley with Sheikh Abdullah as its head in any special manner and for such time as he would like but Jammu and Ladakh must be fully integrated with India according to the wishes of the people. Let me repeat that I do not want Jammu and Kashmir to be partitioned. But if Sheikh Abdullah is adamant, Jammu and Ladakh must not be sacrificed but the valley may be a separate State within the Indian Union, receiving all necessary subventions and being treated constitutionally in a manner as Sheikh Abdullah and his advisers desire."

✓ On the basis of such fundamentally irreconcilable approaches, I do not think that the Kashmir question is being treated as a national question. There is no uniformity in this approach and consequently I do not know which point of view should be considered by us as reasonable or representative. Mention of this diversity of views about Kashmir is relevant as you have referred to "the just and legitimate demands of the Praja Parishad" who are struggling, as you say, against Shree Nehru and myself for the fulfilment of these demands.

✓ In order to restore a sense of security among the Jammu Hindus, you suggest that the State Constituent Assembly should pass a resolution ratifying finally the accession of the State to India. At the same time, you feel that this Assembly is not representative of the people of Jammu. It passes my understanding as to how the decision about accession can make it suddenly representative. But, apart from this, it has got to be considered what gains will accrue to India and to the State if such a decision is taken while the dispute is still pending before the U. N. O. We are prepared to pass the resolution, but the Government of India in its turn must be in a position to fulfil all the obligations flowing from such a decision. You will perhaps agree that in


the event the Government of India declare that the decision of the Constituent Assembly is irrevocable, consideration that would weigh with it would be that it would come into conflict with the U. N. O. It is not in a position to withdraw the case. The alternative for India would be to withdraw from that organisation and bear the odium of all other members. The question is whether India is in a position to stand in isolation particularly when all sympathies of foreign powers would be on the side of Pakistan. In this condition of isolation, the risk of an armed conflict cannot also be over-ruled.

✓ In case the Government of India is prepared to take such a step in order to maintain the validity of the Constituent Assembly's decision, the decision can be taken without loss of much time. But if this cannot be done, may I ask what good will the resolution of the Assembly do if the political uncertainty about the State's future continues even after this? The fulfilment of a mere formality would not satisfy those who are anxious for a permanent settlement of the question.

Apart from the consideration stated above your suggestion of using the Constituent Assembly as a means to finally ratify the accession would clearly appear as a back-door solution of the problem. Far from that we suggest this solution only because necessary [conditions for an impartial plebiscite have not been provided so far. I have no doubt in my mind that if those conditions are forthcoming and the necessary atmosphere for recording the will of the people is created, the decision is bound to be in our favour.

You are not perhaps unaware of the attempts that are being made by Pakistan and other interested quarters to force a decision by disrupting the unity of the State. If we have been able to stand our own against this hostility, it was precisely because we were keen to maintain the stability of the State by emphasising the need for unity. Once the ranks of State's people are divided, any solution can be foisted on them. But you do not seem to realize clearly how this unity can be achieved. While agreeing that the balance in the State should not be disturbed, you at the same time plead for the acceptance of the demand of the Praja Parishad, for the complete merger of Jammu irrespective of what happens to the rest of the State. You even believe that this course would compel Pakistan to give up its claim finally. I have not been able to understand how this victory can be achieved. We cannot

ignore that the activities of the Praja Parishad, which you justify, are meanwhile working as a dangerous influence against the integrity and unity of the State. You cannot be unaware of the possible repercussions in Kashmir as a result of this agitation which is led by a militant Hindu leadership and which in the past has made its attitude towards the Muslims amply clear. (If the agitation grows, unforeseen forces may be released which would seriously threaten the foundations of the State.) I cannot persuade myself to think that you want to solve the Kashmir problem through disintegration and chaos.

✓ I do not know how the present constitutional position of the State can be adjusted with a demand for merger. More than anyone else, you are quite familiar with this position. **Whatever has been done by the Government here is strictly in conformity with the Indian Constitution.** And yet you speak about this position in a manner which suggests that we have been flouting the Constitution. It is painful for me to note that even a person of your eminence should have been carried away by an emotional slogan like *ek pradhan, ek bidhan, ek nishan*. You seem to think that we are opposed to these symbols. By virtue of the State's accession and its constitutional relationship with India, all these symbols are supreme as much in our State as in any other. If internally there have been some variations in the policies of the State Government, it is precisely because the right has specifically been conceded to the State by the Indian Constitution. This arrangement has not been arrived at now but as early as 1949 when you happened to be a part of the Government. 

It appears that you have not realized the implications of this constitutional position. I am sending with this letter a note which has been published by us. I hope you will give some thought to this aspect of the question so that you can appraise dispassionately the rights and obligations of the State Government as laid down by the Constitution. There is no vagueness about this position and the specific provisions of the Constitution form the foundation upon which the relationship of the State with India rests firmly. When talking about the constitutional aspect, it is sometimes conveniently forgotten that the Praja Parishad wants that Article 370 should be expunged from the Constitution. So far as we are concerned, we have maintained that the special position accorded to the State can alone be the source of a growing unity and closer association between the State and

India. The Constituent Assembly of India took note of the special circumstances obtaining in the State and made provisions accordingly. But, if the basis of this relationship is sought to be altered, certain consequences are bound to follow for which all of us must be prepared.

In this connection, it is worthwhile to remark that many of the parties who are at present supporting the Praja Parishad are not satisfied with the present pattern of the Indian Constitution. Some of them have demanded openly that it should conform to Hindu ideals. Others have been equally enthusiastic about their respective party flags. One such spokesman has recently said that his party would strive for replacement of the present national flag by a bagwa-flag. All these parties and elements are at the same time backing up the Praja Parishad agitation for what is called *ek bidhan ek pradhan ek nishan*. Such convenient devices may move some people for some time but there can be no doubt that the loyalty of many of these supporters of the Praja Parishad to the Constitution and its symbols, is doubtful.

✓ You have mentioned the agreements and complained that there has been delay in implementing them. This needs a clarification. You support the Praja Parishad demand for complete integration of the State or a part of it with India. In that case there can be no talk of the present agreements as these agreements concretely confirm the special position which has been granted to the State by the Constitution. The Praja Parishad has always opposed this and the present agitation has been started for the purpose of doing away with this special position which the State enjoys at present. I do not know what to make of this contradiction.

✓ So far as we are concerned, we are committed to these agreements and all the decisions will certainly be implemented. But you have not perhaps considered that we had hardly implemented one of these decisions, *viz*, the election of the Sadar-i-Riyasat, when the Praja Parishad launched the agitation precisely against this decision which formed a part of the agreements. The Praja Parishad has made it clear that it is totally against the agreements and you have endorsed this view publicly.

I do not know whether in view of this opposition, complaint in regard to the delay in the implementation of the agreements is justified. The problem is simple. If the Praja Parishad is for speeding up the implementation of the agreements, it would have to accept what has been conceded by the Constitution, *viz*, that the State has a special position in the Indian Union. In case this is not accepted, it would naturally mean that the agreements are also not acceptable and that

the Indian Constitution is sought to be amended so as to take away the special status of the Jammu & Kashmir State. I wish these two aspects were not confused.

Since you have referred to the agreements, may I say that on our side there has been no delay. The agreements, as you know, were arrived at in July last year and ratified by the two Houses of Parliament early in August. On August 11, the State Constituent Assembly ratified them and soon after the issue of the election of the Sadar-i-Riyasat was taken up with the Government of India in order to have necessary adjustment effected in the Constitution. This took a long time as legal experts of the Government of India examined the question of procedure and this dragged on till 16th November. It was only on 17th November that the State Assembly elected the Sadar-i-Riyasat. The Sadar-i-Riyasat had hardly moved down to Jammu on 22nd November when the Praja Parishad launched its agitation, starting with black-flag demonstrations against the Sadar-i-Riyasat. The situation has since been such as to engage the entire attention of the Government for the maintenance of law and order. Naturally we cannot be expected to sit down to constitution-making under these abnormal conditions.

I wish you would understand this position. May I ask whether such delicate issues can be solved under coercion or intimidation? However, I have no doubt in my mind that the trouble does not lie with any delay that may have or may not have occurred in taking decisions according to the agreements. The source of the conflict is basic and, as admitted by you, it lies in the uncertainty in which the fate of the State is hanging at present. We voluntarily offered to associate ourselves with India and without compromise of basic principles we like this association to be abiding. But, unfortunately, the Praja Parishad wants a decision for the Hindus of Jammu in mid-stream. The feeling of anxiety which prompts some people to desire an early decision is understandable but the manner suggested for bringing it about is fraught with grave consequences. I do not know if the charge of separatism is deserved by us at the hands of those who would themselves like to partition the State on communal basis. The Praja Parishad leaders have made it clear that they will not rest till they have rid Jammu Hindus of what they call the haunting fear of Muslim domination of Kashmiris. To such an attitude, what answer can I offer?

For over two months now, ever since the Government moved down to Jammu, it has been facing grave and persistent challenges to its authority with the avowed purpose of disrupting the administration. These have culminated in open acts of violence and lawlessness. Public utilities have not been spared and public servants are assaulted and threatened in broad day light. The consequent effect of this terrorism and lawlessness can well be imagined. The work of conducting normal administration has been made extremely difficult. Trade and commerce have been seriously affected. The agitation has increasingly attracted the participation of many anti-social and lawless elements.

In face of grave provocations, the Government has exercised great restraint and forbearance. No Government charged with the responsibility of administration can function effectively without affording protection to its servants, public institutions and property. We had either to take suitable measures to restore law and order or surrender to the lawless elements. Even then the authorities were with considerable reluctance compelled to use force on certain occasions when other methods failed to bring the situation under control. It has been established by impartial testimony that the conduct of the authorities has not been high-handed or excessive. The judicial enquiry into Chhamb happenings conducted by a senior judge of the State, Mr. Brijnandan Lal, has justified the manner of handling of the situation by the authorities there. In his findings he has observed :

"The police party was out-numbered by processionists and the Tehsildar-Magistrate apprehending imminent danger to life and property ordered fire to be opened. In these circumstances, I find that there was ample justification for ordering fire for dispersal of the unlawful assembly. In view of the grave and imminent danger to life and property, firing was even justified in self-defence."

You write about the Jammu situation in a way which would suggest that the agitation by the Praja Parishad has been the result of repression by the Government. I may assure you that we have never believed in the use of repressive measures against popular movements. But it should not be ignored that here in Jammu the agitation is not even remotely related to the basic problem touching the lives of

common people. The Praja Parishad, using the weapon of violence, is trying to overthrow all the vestiges of an ordered Government. Any slackness on the part of the authorities would surely result in anarchic conditions.

✓ You have referred to some grievances and allegations of discrimination against people of Jammu. I would have welcomed if you had sent them to me. This would have given me an opportunity of finding out as to where our administration had erred. I cannot claim that our administration is perfect, but if errors are pointed out to us concretely we shall be too happy to rectify them. None of us suffers from any false sense of prestige.

But I have on my own considered this aspect thoroughly. In this connection, a detailed examination was made to see if there had been unwittingly any discrimination against people of Jammu. I am sending a copy of a booklet which we have brought out to clear such an impression. I hope you will go through it with profit. As a matter of fact, if there has been any discrimination it has been in favour of the people of Jammu and not against them.

All the same, you will perhaps realize the magnitude of the tasks that we have been called upon to face. We had to grapple with war conditions, refugee rehabilitation, floods, famines and hosts of other gigantic problems. After the disasters of 1947, the paramount need of the State was stability. We had to put all our meagre resources towards this end. The generous assistance that we have received from the Government and the people of India has been a source of great strength to us in this ordeal.

In view of these stupendous tasks, we do not deny that many problems still need our attention in Jammu as well as elsewhere. The Government is anxious to find ways of solving them. Whenever an opportunity occurs, the Government acts on its own initiative. As you may have learnt, it has recently set up a Committee under the Chairmanship of the Chief Justice, Mr. Janki Nath Wazir, to report on the working of some measures which the Government has adopted during the last five years. The Government will certainly devise suitable remedies in case the Committee finds that there are gaps or loop-holes anywhere. The Government are eager to have constructive suggestions from all well-wishers of the people as well as their assistance and cooperation. We are keen to secure the maximum good-will of the

people towards the measures which the Government undertakes for the benefit of the common people.

I note the reference to N.W.F. Province in your letter. Your fears of the result of a general plebiscite seem to arise from the 'tragic fate' that befell that Province. I regret to have to say that this reference is far from fair to the great movement which was built there by Khan Abdul Gaffar Khan under the inspiration of Gandhiji. The tragic results of the referendum in Frontier Province were not, as everybody knows by now, due to any weakness in the Nationalist movement in that Province but to the circumstances which made a gift of it to Pakistan. The Frontier Province was first completely isolated from the rest of India and then the people of that unfortunate Province were asked to make their choice between India and Pakistan—exercise of the choice in favour of the former being impossible. In spite of these adverse circumstances Pakistan won the referendum by bare majority.

As regards the people of Jammu and Kashmir State, they made their choice for the secular ideal long before the partition of India took place. They successfully withstood the onslaughts of Pakistan leadership, their temptations and coercion and finally their wanton aggression in 1947. When Pakistani raiders were knocking at the very door of Srinagar, the Muslims of Kashmir offered their bravest sons as a sacrifice to protect their cherished ideals of secularism and human brotherhood. It happened at a time when they had nobody round about to render them assistance, when darkness surrounded them all-round, when their co-religionists were being brutally massacred at the hands of those very leaders of Praja Parishad who now claim their loyalty to the secular ideals of India. Since then the bonds of kinship between India and Kashmir have been greatly strengthened. The bravest sons of India, irrespective of caste, creed or colour, have shed their blood in order to defend the common ideals of the people of India and Kashmir. Millions of our brothers and sisters in India have rendered assistance to their hard-pressed brethren in Kashmir. To entertain the doubt that the Muslims of Kashmir would now give up their secular ideals would be uncharitable, although the statements and the pronouncements made by the leaders of communal parties in India from time to time and the inspiration and guidance they are providing at the moment to the Praja Parishad leadership in Jammu is no doubt giving them a rude shock. But let me assure you and

the people of India that the Muslims in Kashmir will not falter from their ideals even if they are left alone in this great battle for secularism and human brotherhood.

Yours sincerely,

Sd. S. M. Abdullah

Dr. Shyama Prasad Mookerjee, M.P.
77, Asutosh Mookerjee Road,
CALCUTTA 25.

Dr. Mookerjee's Letter

77, Asutosh Mookerjee Road,
Calcutta-25.

3rd February '53.

My dear Sheikh Sahib,

I had forwarded to you copy of my first letter to Shree Jawaharlal Nehru on 9th January. I duly received his reply. I have not however been favoured with even an acknowledgement from you. In spite of this I am sending herewith copy of my reply to Shree Nehru.

I shall reach Delhi on the evening of 5th February. It is tragic you should completely misunderstand those who are differing from you and are proceeding in a manner which may be disastrous to India including the State of Jammu & Kashmir. I still hope you will be able to rise equal to the occasion and find a way for a peaceful settlement.

Yours sincerely,

Sd. Syama Prasad Mookerjee

Sheikh Mohammad Abdullah,
Chief Minister,
Jammu & Kashmir.

DONATED BY
Dr. VIDYA BHUSHAN
PROF (RETD) POL. SC
UNIVERSITY OF JAMMU

Sheikh Sahib's Reply

Jammu Tawi,
February 5, 1953.

My dear Doctor Saheb,

I am in receipt of your letter dated Calcutta the 3rd February 1953, enclosing therewith a copy of your reply to Shree Nehru.

Your previous letter was delivered to me here on my return from Delhi on the 25th of January. Hence the delay in replying to it. I have, however, sent a detailed reply of this letter to you which I hope you must have received by now. I feel that my reply covers almost all the points which you had specifically raised in your letter to Shree Nehru or have now raised in your present reply to him.

✓ While referring to the grievances of the people of Jammu, you have made mention of the division of border districts on communal lines which you feel requires immediate investigation. I am sending herewith a hand-out prepared by our Ministry of Information with regard to this question. I hope you will go through it and you will be satisfied that there is nothing communal in this re-distribution of districts.

I am also sending for your perusal some other pamphlets which deal with various allegations that have off and on been made against the J & K Government.

Yours Sincerely,

Sd. S. M. Abdullah

Dr. Syama Prasad Mookerjee, M.P.,
President, Bhartiya Jan Sangh,
30, Tughlak Crescent,
New Delhi.

+

Dr. Mookerjee's Letter

30, Tughlak Crescent,
New Delhi,
February 13, 1953.

My dear Sheikh Sahib,

I received your letters of 4th February and 5th February, some days ago. Meanwhile I have had further correspondence with Shri Nehru, copies of which I enclose. I must thank you for the frank and detailed manner in which you have put your viewpoint. I have also glanced through various pamphlets that you have sent me and tried to appreciate the points which have been emphasised on your behalf.

/ You have referred to my talks with you at Srinagar some months ago. Although I have not found myself in agreement with your approach to some of the basic problems, I have tried to appreciate your view-point and also the difficulties that lie in your way. If we start doubting each other's motives and reduce the controversy to mutual abuses and vituperations, we can expect no solution at all. From this point of view I have failed to appreciate some of your recent speeches, where you have dubbed your critics as traitors and enemies of the country.

/ One fundamental point where I differ from you is your attitude towards the Praja Parishad. You will remember, when I met you at Srinagar, I implored you to realise the depth of the feelings in Jammu and to take the initiative to allay all fears and doubts in people's minds. I advised you not to adopt an attitude of non-cooperation towards the Praja Parishad, or to allow the breach to grow. You however refused this advice on the grounds that first, it had no following and secondly, its past was so black that you could never associate with its spokesmen. Regarding the first point your estimate has proved incorrect. The movement launched by the Parishad and the manner in which it has spread amply indicate that it has a large following. / In any case, it has been able to rally together various sections of the people who you thought would never support this organisation. As a democratic leader you have got to recognise the strength and influence of your political opponents. Regarding the second point, your refusal

to negotiate with Parishad on account of its alleged past activities, is hardly tenable. ✓

History records many examples where such an attitude led to disastrous consequences. Let us recall what happened in India or even in the State of Jammu and Kashmir. Could the British Government stick to its determination not to come into association with the Congress which had defied the authority of the British rulers? Did not Gandhiji and others go out of their way to attempt to come to a settlement even with Mr. Jinnah and others whose attitude towards national problems was far from patriotic? What happened in your own case? Although you raised the standard of revolt against the Maharaja did you not both meet on a common platform at the time of national crisis and did you not even offer loyal cooperation to him for the future good of the State and of the country? It is not safe to base one's present attitude towards grave political issues solely on past relationships with one's opponents. I do not know intimately about your past, but I have seen some papers and documents. You yourself started as a leader of a communal party. Even important British Officers expressed their unconcealed anxiety to utilise you and your movement for bringing about the end of a Hindu Maharaja's rule, yet it would be highly improper to judge your present aims by making elaborate researches into your past history starting from the days of Aligarh.

✓ Whatever you may say against the Maharaja's rule or against any aggressive Hindu sentiments of some others, the fact remains that in the time of this very Maharaja when many parts of India were ablaze with communal fury and passion leading to all sorts of atrocities during the fateful period prior to Independence, the State of Jammu and Kashmir was wholly free from such ugly outbursts. In that time your political movement was going on unabated and you had no place in the administration of the State. Let us not go into all this past history. Many things happened in 1946 and 1947 for which responsibility did not always lie on any one party or community in particular. Actions produced re-actions and we got caught up in a vicious circle. We have to forget that chapter, although we may have to bear lessons of that great tragedy in mind so as not to make mistakes in future. Our main approach must be based on a genuine desire to treat each dispute solely on its merits and try to come to an agreement.

✓ I did not conceal from you my regret at the manner in which you and some others had been delivering speeches and making state-

ments attacking the Dogras. Circumstances had placed you in charge of the destiny of your State and you could well rise equal to the occasion creating faith and confidence in the minds of all sections of the people living in Jammu and Kashmir. The Dogras were the rulers of the State for generations and the position had suddenly been reversed when you came into power. I did not like the manner in which you went out of your way to speak in abusive terms of the Maharaja, although you had assured him in writing of your full support, cooperation and even loyalty when through his action and decision you came to possess full political power. Apart from the soundness or otherwise of the system of hereditary rulership in modern set-up, this attitude of hostility towards the Maharaja, who by dint of his own decision, became politically powerless, was indeed unnecessary. But when sometimes this overstepped its limits and extended itself to an attack on Dogras as such, it became a source of dangerous developments. I had, therefore, earnestly requested you to take all possible steps to create a new psychological atmosphere in the State so that spontaneously all sections of the people might regard you as their acknowledged leader in whose hands their interests were absolutely safe. When I was in Jammu I saw the intensity of feelings against your administration and also how doubts and fears were being kept unsolved. I acknowledged at that time, and I do so without reservation even today, that in spite of tremendous difficulties you had courageously proceeded to challenge the basic theory of the establishment of Pakistan. In this respect a great experiment was being made which could not be carried into fruition, by India's national leaders themselves whose weak-kneed policy led to the vivisection of the country. I paid you tributes for this great work. But I warned you in private and said so in public that in your dealing with the situation, by words and deeds, you should not encourage tendencies of separatism, nor ignore Jammu's special problems. I communicated my impressions to Shri Nehru on my return from Jammu and Srinagar. If both of you had then moved in the matter, perhaps nothing would have happened.

✓ As a first condition for ending the present impasse which is not good for anyone desirous of the well-being of India as a whole I would beg of you not to stand on false prestige, but to agree to discuss all disputes with the leaders of the Praja Parishad even at this late stage. If you do this no one will charge you with weakness, but will readily recognise your statesmanship and robust realism,

✓ Your letter deals with legal and constitutional points. I do not minimise their importance, but they are not the ultimate factors for settling big controversies which can be solved only with a human approach. You have quoted a few extracts from various speeches and statements of your critics and tried to show their inconsistencies. Some of them are taken from C.I.D. reports, others are quoted out of their context and still others are mere passing references. I can similarly quote extracts from your speeches and statements and indicate serious inconsistencies, but that is not the point at issue. ✓ One of the main points is how to settle finally and irrevocably the question of accession of Jammu and Kashmir with India. You and Mr. Nehru sometimes make strong speeches declaring the State is already a part of the Indian Union and therefore there need be no dispute about it. What I want is that constitutionally this question has to be settled once for all and the sooner it is done the better for all concerned. ✓

✓ It has been said that this question has to be decided according to the will of the people of Jammu and Kashmir. This treatment had not been specially offered to your State. ✓ Due to the subtle and ingenious policy pursued by the British Government in 1947 all the 500 or more Indian States, as they were called, became in theory independent units and the British Government insisted that their union with India or Pakistan must be on a voluntary basis. They were not satisfied by breaking what was one great political entity, namely, undivided India into India and Pakistan. They were anxious to sow the seeds of further disruption by creating a myth of sovereignty in respect of about 500 small and large units within India, then known as Indian States. The Congress was forced to accept this position and from that time onward began the difficult and delicate task of absorbing these States into the structure of free India. Thanks to the statesmanship and dynamic personality of Sardar Patel, this great task of integration was completed in a bloodless manner, in all cases, with three exceptions, Jammu and Kashmir, Hyderabad and Junagarh. Ultimately Hyderabad and Junagarh were also brought into India. ✓ All these States had the same theoretical rights as your State to decide matters for themselves. But they came into India not only in respect of the three subjects of Foreign Relations, Defence and Communications, but also with regard to others and there thus developed one pattern of Indian Constitution for the whole country. ✓

Finality of accession could not be settled in your case because of war with Pakistan. How is this formality of ascertaining the will of your State now going to be decided? My own practical suggestion has been that the Constituent Assembly which you have formed on the basis of adult franchise should decide this question and India should accept such a decision. You have tried to ridicule me by saying that this suggestion is hardly tenable with the Praja Parishad's challenge of the validity of the elections specially in respect of Jammu. You and Mr. Nehru have repudiated this challenge. You cannot therefore have it both ways. You are in power today and you are proceeding on the basis that the Constituent Assembly is fully representative. Your opponents also invite you to pass this decision in future. Then there remains possible implications of such a decision in relation to U.N.O. and Pakistan. In my humble opinion neither of these has anything to do with the question of accession. India went to U.N.O. not on the issue of accession, but in respect of aggression by Pakistan on India which included Jammu and Kashmir. Here India's case has not received a fair deal at all. True, India gave an assurance to U.N.O. that final accession would be determined in accordance with the will of the people. If that will today is expressed through a Constituent Assembly elected on adult franchise basis, no one logically or legitimately could challenge such a decision. The importance and urgency of this step cannot be minimised. Once it is known that this matter has been finalised, all doubts and fears about the future would disappear and all elements can jointly march forward for the rebuilding of the State of Jammu and Kashmir irrespective of all differences.

✓ The next important question is with regard to the subjects in respect of which accession should take place. Here your elaborate interpretation of Article 370 and your claim that you enjoy "residual sovereignty" which has not been granted to the rest of India create unnecessary friction and dangerous complexities. / What is the demand of the Praja Parishad and indeed what is our request to you? ✓ Pray accept the Constitution of free India and make it applicable to the State of Jammu and Kashmir just as has been done with regard to all Part B States. Is there anything communal or reactionary about such a request? ✓ Even here I have offered a compromise formula and I see no reason why it should be unacceptable to anybody. There are certain basic provisions of the Constitution which must be applicable

to the whole of India. They relate to fundamental rights, citizenship, Supreme Court, President's emergency powers, financial integration including abolition of customs duty, conduct of elections, and national planning. In regard to some of them you have agreed to accept the Indian Constitution either as it stands or in a modified form. Please accept the relevant provisions in toto. Regarding land you may have a special provision. In regard to other matters you may take some time and prepare a comprehensive memorandum indicating in what respects you desire modification of the provisions of the Indian Constitution. This you have to justify as essential in the best interest of your State which will not be harmful to the maintenance of India's unity and solidarity. Your proposals can be considered dispassionately and decided on merits by mutual consultation. I am not suggesting that the Constitution is so sacrosanct that none of its provisions can be altered if our country's needs demand this.

✓ Instead of proceeding in this rational manner you have shown tendencies of creating a separate status for yourself and for your State. The provision for an elected Head and a separate flag, has to be examined from this standpoint. The flag is the symbol of unity. Your reference to some speech made by some Opposition leader declaring that the present flag would be replaced by a '*Bhagwa*' flag shows you have not appreciated the standpoint of those who are opposed to a separate flag for Jammu and Kashmir alone. No one has said that there will be a Bhagwa flag in some State where the party advocating it will be in power and in the rest of India there will be one or more flags according to the desire of the particular party that may be in power in each such State. If the design of the National Flag is at any time altered according to the will of the representatives of the people, it will be applicable to the whole of India. It will create no separatism or disunity. But if each State starts having its own flag, according to the wishes of the party in power, then it will be a blow on India's national and political unity. And that is what you have sought to have done.

✓ You call yourself as the Prime Minister of Jammu and Kashmir. There can and should be one Prime Minister and he is the Prime Minister of India as a whole. In all other States the first executive citizen is known as Chief Minister, but you must have a separate nomenclature for yourself. The Head of your State must be known

as *Sadar-i-Riyasat* (President). India can have only one President and that is the President of India. Other Heads of States may be known as Governors, *Rajpramukhs* or by any other name as the Constitution may provide. There cannot be a republic within a republic. There can be one and only sovereign Parliament and that is the Parliament of India. / Consciously or unconsciously you are creating a new sovereignty for Jammu and Kashmir State. India has been torn into two by the two-nation theory. You are now developing a three-nation theory, the third being Kashmiri nation. These are dangerous symptoms and are not good for your State or for the whole of India. /

✓ I have seen no logical statement of yours as to why the Indian Constitution should not apply to your State. Your only reply has been that if this is hastened, Muslims of Kashmir may lean towards Pakistan. I do not ignore the need for creating an atmosphere of complete understanding and confidence in the minds of Muslims. But there are limits within which such attempts must be kept confined nor such attempts should be made in a manner which may cause grave doubts and fears in the minds of non-Muslims living in the State and forming a definite minority. / I regret at many stages the possible reactions of your policy on their minds have been completely ignored. If the bogey of Muslims ceasing to trust India and going away to Pakistan continues unchecked, it will create the same complications as Mr. Jinnah's stand did. India is governed according to our Constitution which is not based on any communal or sectional considerations. If four crores of Muslims in India can be expected to live with safety and in honour under this Constitution why should 30 lacs of Muslims in Kashmir who will be the majority community in their State, be in a mood to go out of India, unless they honestly feel that their future lies with an Islamic country such as Pakistan. Secular democracy cannot develop by following the methods of the market place. ✓ It is my earnest belief that time will come when all people, Hindus, Muslims and others, will realise that the division of the country on religious basis has not helped any community, but has only put back the hands of the country's progress. I want you to work in a spirit of statesmanship at the head of the entire State of Jammu and Kashmir including our lost territory, enjoying the willing confidence of all parts of the State and making it one of the foremost defenders of Indian unity and freedom. /

✓ The explanation you have given for the delay in implementing your agreement with Mr. Nehru reached in last July, is really very weak. In November 1952, *i.e.* four months after the agreement, you could see your way to implement only those portions which were to your liking and which provoked widespread opposition since it drew away the State further from the common pattern of the Indian Constitution. I see no justification for the delay in implementing the rest of the agreement. If some formalities had yet to be completed, you might have easily waited for a month or two more and not implemented the agreement piecemeal. You say that we and others do not like the agreement and so its implementation or otherwise should make no difference with us. This is a cheap argument and an entirely wrong approach to the problem. We feel that the agreement regarding the application of some provisions of the Indian Constitution to Jammu & Kashmir is capable of being improved and extended further. But it is certainly better than your doing nothing at all in this direction and as such none would have opposed such implementation.

I have been receiving serious reports of atrocities and excesses being committed on the people of Jammu. It is not possible for me to check such reports. I wanted to send a small fact-finding delegation consisting of responsible persons, three of whom were legislators, but they have been refused permission to enter your State. It is a strange position that we cannot enter a part of the Indian Union without special permit. Repression, bullets, and jails will be no solution to the problem. The movement is spreading deep and bitterness and resentment are on the increase. Normally such a movement should not be started. But it was forced on the people since you and others deprived them of all constitutional means for settling their grievances. You will have to probe into the root causes and try to bring about an honourable settlement.

I have not referred in detail to the charges against your administration. They relate to some economic matters, [rehabilitation, discriminatory policy etc. Your re-division of the border districts has not been a wise one. Whatever the reasons might have been, the result has been a communal division of some of those areas. This is possible of serious development. Your memorandum gives no answer to this charge. This could have been easily avoided and a division on non-communal basis could have been made. In any case you have always expressed your readiness to enquire into any allegations against your

administration. If a Commission is to do this, its personnel should be beyond the influence of State authorities and its terms of reference must be wide enough.

✓ I have not also referred to the future pattern of your constitution. The desirability of giving autonomy to Jammu as a whole and to Ladakh and Kashmir Valley can be discussed on its merits at a later stage. What is needed now is to bring the movement to speedy-termination and to create proper atmosphere for future collaboration. You must take the initiative and in this respect my services are always at your disposal. / If at any time you feel that you want me to help you to bring about a satisfactory settlement, forgetting all past controversies, I shall be most happy to be of any assistance to you. But far better than anybody's intervention, you should yourself invite Jammu representatives to a conference where you and Mr. Nehru should be present. Please see my letter of yesterday's date to Mr. Nehru in this connection. It is only if we are all united on the Kashmir issue—and there is no reason why we should not—that we will be able to preserve the unity of Jammu and Kashmir and also take steps for the recovery of the one-third territory of the State which to our national humiliation, is still in the hands of the enemy. Believe me, I am most anxious that the present atmosphere of distrust and bitterness should come to an end. The initiative lies in the hands of Mr. Nehru and yourself. Do not pray imitate the British rulers and stand on false prestige. With toleration and understanding and with a determination not to repeat the tragic folly that led to the division of India, let us solve the present deadlock in a manner which will be to the benefit of Jammu and Kashmir and of India as a whole.

Yours sincerely,

Sd. Shyama Prasad Mookerjee.

Sheikh M. Abdullah,
Chief Minister, Jammu & Kashmir,
Jammu Tawi.

X

Sheikh Sahib's Reply

Jammu Tawi,
February 18, 1953.

My dear Dr. Mookerjee,

I thank you for your letter of February 13 which reached me on Saturday last. I have gone through it carefully and I am sorry to observe that you have not appreciated our position with necessary understanding and consequently there appears to be a fundamental difference in our respective approaches to the entire problem of Jammu and Kashmir State. I believe that this problem involves certain basic principles which need to be recognised and accepted for a dispassionate and fair appraisal of the position of the State. But, unfortunately a few isolated considerations seem to have led you to a judgment which is far from just or conducive to a constructive solution of our problems.

In my last letter I had tried to explain to you our point of view which, we are convinced, is consistent with the basic principles underlying the relationship of the State with India. But it is unfortunate that you have not been fair in your appraisal of our point of view. While referring to "the total application of the Indian Constitution" you assume that we object to it on the ground that "Muslims of Kashmir may lean towards Pakistan". This is totally a false impression of the political maturity of the people of Kashmir. You admit the merits of our struggle against Muslim communalism and I am grateful to you for your complimentary remarks about me in this connection. While acknowledging the merits of that struggle you perhaps ignore the deep-rooted conviction of the Kashmiris against communalism as such. This was a fight for high principles and we did not bear any malice against the people of Pakistan as a whole but fought the communal and reactionary leadership in that country which wanted to impose its will upon our people by brute force.

Now that I have condemned communalism of a section of Hindus, I do not know why I should become a suspect and why my motives should be doubted. Communalism cannot be bad for one community and good for another. As you yourself admit, it is a vicious circle

and once it starts in one quarter it creates an equal and opposite reaction in others as well. Naturally, it cannot be condemned in one type and connived at in another.

This has been the conviction of the people of Kashmir for a long time. It was precisely the spirit of this belief that guided the people of Kashmir to make a decisive choice for India at a time when conditions seemed extremely unfavourable for such a choice. While fighting against Muslim communalism they were aware of a similar danger in India. But they were convinced that the vast majority of the people in India under the leadership of Gandhiji were themselves fighting this menace. It was this community of ideals that led us to link our fate with democratic and progressive India.

Now that the bonds between us have been further strengthened, our conviction in these ideals and principles has deepened. It has become increasingly clear that the people of India, on the whole, have rejected the communal way. But, if at any time India falters and forsakes these ideals, I have no doubt that even then the people of Kashmir will not lean towards communalism. This needs no proof as their conduct in 1947 stands as an ample testimony of their faith, determination and courage to uphold what is right and abhor what is wrong.

✓ You have repeatedly referred to the unity and solidarity of India. Such sentiments are not less dear to us. But will the methods you suggest for forging this unity lead to this objective? The people of Kashmir voluntarily offered to associate themselves with the progressive people of India as they felt that their rights and liberties would be respected by the freedom-loving Indians with whom they had fought for liberation from imperialism and feudalism. The enlightened opinion in India recognised their vital human urges and the Constituent Assembly of India afforded them opportunities of achieving the political and social objectives. This mutual accommodation of each other's point of view which has been accorded constitutional sanction should not be interpreted as a desire for separatism. After all, in a democratic country, the ultimate factor which decides the relationship between various units is the measure of willingness of each of these parts to come closer to each other for the common good of all. The unity between them comes from below and if it is sought to be imposed, it will injure the good-will and understanding which are necessary for a voluntary partnership and cooperation. This is the human approach to the problem and in our opinion the correct approach which can bring about a unity of purpose and work in our country. History has taught us that false notions

of uniformity and conformity have often led to disastrous consequences in the lives of many nations.

I wish you would appreciate these basic principles of human relationship. After all, why did we reject the two-nation theory? It was precisely because we felt that this theory created an artificial division among the people and sought to impose a uniform pattern of thought on them. We were not inclined to join Pakistan because we felt that there would be no scope for our people to grow up in the cramping frame-work of a communal State. Our choice was justified, as in India we were afforded opportunities to pursue democratic and progressive objectives. Your suggestion in regard to abridging the scope of our internal freedom would lead to a denial of such opportunities to the State.

All these considerations were fully weighed when Article 370 was devised. You have referred to late Sardar Patel's successful efforts at integration of the Princely States. May I point out that the special position that our State enjoys at present has been the result of the farsightedness and statesmanship of the late Sardar. He was in fact instrumental in evolving the present basis of the State's relationship with the Union. Article 370 was incorporated into the Constitution under his guidance and at that time Shree Nehru was away from India. In this connection I might quote the very words of Sardar Patel which he used while explaining Kashmir's constitutional relationship with India :

"In view of the special problem with which the Jammu and Kashmir Government is faced, we have made special provision for the continuance of the relationship of the State with the Union on the existing basis."

Normally decisions between two Governments are arrived at through their representatives and in our case too all the decisions have been taken after mutual consultation and constitutional approval. This is the democratic way and in this respect our position is perfectly justifiable. But you seem to challenge the validity of all such decisions. You cannot expect us to revoke them. Such delicate issues cannot be settled by pressure or intimidation to which a group of persons with inspiration, support and guidance from outside have resorted in Jammu.

✓ You fear that the present form of the State's relationship tends towards separatism and in this connection you have used the expression "three-nation theory". ✓ I have tried to explain in my last letter that our decisions were in no way detrimental to the unity of India as all our decisions flowed from the Indian Constitution. The variations in our policies in certain directions which you refer to again are not at all inconsistent with broad policies followed in other States and have been necessitated by the peculiar social and political characteristics of our State. You will perhaps concede that our decisions in this respect have been democratic and progressive. For instance, when you refer to the election of the Sadar-i-Riyasat, you perhaps forget that the Governors of other States are also appointed with the consultation of the State Governments. We have not limited the right to the Government but extended it to the Legislature. This is a principle which all democrats should welcome. Then, again, you object to the name of the Head of our State. You are not perhaps aware that Sadar-i-Riyasat is a name in a local language which is understood by the people in Northern India. While you prefer an English designation of "Governor", I fail to understand why the Hindustani nomenclature of Sadar-i-Riyasat should be objected to.

In this connection you have referred to the creation of a "republic within a republic". Perhaps you would accept "monarchy within a republic". But may I point out that our sovereign rights have been guaranteed and preserved by the same Sovereign Parliament which is guiding the destiny of the country? I do not see how such guarantees can disrupt the unity of India and create separate nationhoods. The formation of an Andhra State by an Act of Parliament would not result in the creation of another nation.

I would only request you to raise the issue above communal motives. There is no question of Hindus and Muslims here. On this level the controversy becomes involved in unrealistic and unnatural complications. You give an impression as if the Hindus and Muslims are going in contrary directions. But the problem is a simple one. ✓ The State of Jammu and Kashmir seeks to forge ahead towards progress and democracy and in this task, we consider that communalism of any type is a great danger. I regret that you have not understood these principles that are guiding us in our decisions. While referring to the Bhagwa flag, you suggest that there would be nothing wrong in its adoption if the country so chooses. I do not know whether you consider that this could happen only when militant Hindu communalism triumphs in India. In that unfortunate event where can Kashmir stand? Let me repeat that even then its people will continue their fight for Gandhiji's ideology to the bitter end. The Father of the Nation did not give his life

in vain. His noble sacrifice will always inspire and sustain us as it did in the critical days of 1947.

✓ While referring to the Praja Parishad you do not mention its connection with RSS. Every one is familiar with the role played by the leaders of RSS in Jammu in 1947 precisely at the same time when we were resisting Muslim communalism in Kashmir. I agree that that painful chapter has to be forgotten. But you have yourself said that "we may have to bear the lessons of that great tragedy in mind so as not to make mistakes in future." I earnestly wish you would address this advice to the leaders of the Praja Parishad who were intimately connected with the unfortunate happenings of 1947 in Jammu. On our part, we have at no time been vindictive towards them. On the contrary, we wanted them to undo the wrong that they had committed. But these RSS leaders singularly failed to appreciate the spirit of this gesture. When, following Gandhiji's assassination, the organisation was banned it emerged under the garb of the Praja Parishad with the same programme and leadership. My impression of the Praja Parishad is not based upon any prejudice but upon its present activities. I have no doubt that its leadership is leading the State in disruptive directions, thereby threatening its foundations as well as those of India. The adoption of a few misleading slogans calculated to rouse the emotions of the common people cannot lend a democratic or secular character to this leadership.

✓ You mention that the present agitation has been started by the Praja Parishad as its leaders did not find any remedy of their grievances through constitutional means. What were the means that these leaders adopted? Violence, intimidation, profuse abuse of civil liberties have usually been the weapons with which they have threatened the Government. Every year agitations were started under one pretext or another. Such methods are far from being constitutional.

In view of this conduct, past and present, how can there be any common ground between the Government and the Praja Parishad leadership. You do not expect us to compromise our basic principles for which we have been fighting all these years in order to accommodate the point of view of the Praja Parishad. So long as this organisation continues to be an instrument in the hands of the RSS leaders, I regret it will not be possible for us to recognise this organisation. Of course, we are prepared to meet all those persons who may have honest differences of opinion with us but whose basic conception about the structure of the State is not at variance with ours. We shall be willing to explain to them our point of view. But this is not possible in an atmosphere surcharged with threats, coercion and violence. I will frankly state that the present leadership of the Praja Parishad is

avowedly disruptive and communal in its aim and purpose. Consequently, it will not be possible for us to have any common meeting ground with them.

✓ It is an extremely unjust accusation to charge us with attacking the Dogras. I might in all humility state that at no time have we been swayed by racial prejudices nor have we been motivated by a desire for dominating over any section of the people. I need not be told that rule by force of arms cannot be lasting. I have always stressed the unity of all sections of the people, whether they are in Ladakh, Jammu or Kashmir, on the basis of mutual respect and equal participation in the solution of the problems which are common to people everywhere. ✓ It is long since we have realised that the masses, irrespective of their religion or race, can redeem a place of honour for themselves only when they unite against injustice and social oppression. There is no doubt that while speaking to the exploited Dogra masses who, in spite of all the blessings of Dogra rule, are still living in dredgery and wretchedness, we may have referred to the inhuman conditions to which a small section of the landlords was subjecting them but in no case can you expect us to condemn the entire Dogra people. We know them to be simple-hearted, honest, faithful and brave people. It is a pity though that some people should take advantage of their simplicity and attempt to mislead them in wrong directions.

✓ You have referred to my opposition to the Maharaja. Much concern has been shown for him by some people in India on account of communal considerations. We have all along maintained some dignity in our struggle against autocracy as we were always conscious that the fight was against the system and not against an individual. It is conveniently ignored that the responsibility of the complications in which India and the State are involved at present rests with the Maharaja. It was open to him to consult the people in time about the future of the State. But on account of his "chronic indecision" he failed to do so, thus leading to the present complications. In those fateful days when the future of the country as a whole was being given a final shape, the Maharaja clamped in jail all the patriotic and nationalist forces within the State who had forged a common link with the nationalist forces in India. The field was thus left free for all communal and disruptive elements within the State till the eve of invasion on Kashmir. All the efforts made by top leaders of India

including Gandhiji, Sardar Patel, Shree Jawaharlal Nehru and Shree Kripalani, the then Congress President, to intervene in the unfortunate situation—unfortunate for the State as well as for India—were foiled by his consistent refusal to have any truck with patriotic and nationalist forces within the State. As you must be aware, the Maharaja had built many castles in the air of entrenched power and position and even at the risk of landing the State into grave peril he was not willing to accept the advice of the Indian leaders.✓

Throughout these fateful days he had allowed himself to be swayed and guided by a coterie of foreigners who had their own plans about the State and who at that time occupied positions of power. This coterie even lent him courage to put under arrest Shree Nehru at Kohala when he was on his way to Kashmir to render assistance to the State at that critical juncture. The entire Indian people looked upon this discourtesy as an outrage against the Indian nation and this had repercussions even in the far south where demonstrations to protest against the Maharaja's action resulted in firing leading to loss of many human lives.

The Partition resulted in a conflagration on the borders of the State, making the position of the State itself extremely difficult. But even at this crucial stage the Maharaja refused to take a decision on the future affiliation of the State. Meanwhile, an invasion was launched on Kashmir from Pakistan. The Maharaja, instead of facing bravely the onslaught of the invaders along with the people, deserted them and moved down to a safer place in Jammu. Here he aligned himself with militant Hindu communalism, further aggravating the already critical situation. This is the unpatriotic and anti-national record of the Maharaja for whom you show so much concern.

In my last letter I tried to explain our point of view with regard to the various issues that have been raised in respect of Jammu.✓ The Government has given out full facts which show, that no discrimination has been meted out to the people of Jammu nor has it been motivated by any communal or provincial consideration in its administrative actions. Unfortunately, in spite of all this, you do not seem to be convinced by these explanations and have now repeated the charges in general terms. I do not know what to say to such an attitude where there does not seem to be any great desire to understand our point of view. In spite of our best efforts, our motives are still

suspected. In such a situation, let us leave it to the people to judge us.

✓ You have again referred to the delay in the implementation of the Indo-Kashmir Agreements. These Agreements have been accepted by the Government of India and Parliament as also by the Government of the State and its Constituent Assembly. Naturally, there can be no question of going back on those Agreements. They will be implemented at the proper time. ✓ But, from the points you have raised in your letter* dated 12th February 1953, to Shree Nehru you propose to completely undo these Agreements. I do not know what to make of this contradiction. The Agreements are not acceptable to you and yet you would like them to be implemented speedily.

As you have again referred to the "repressive measures of this Government" I would like to repeat that it is no pleasure to us to use force on any occasion. But you do not seem to realise the intensity of the violence and lawlessness that has been let loose in Jammu. ✓ Naturally you would expect us to discharge our responsibilities of administration properly so that law and order are preserved and normal activity is not paralysed.

✓ We have shown extreme forbearance. But it is painful to see that you do not appreciate our position. You even endorse the demand for an "impartial enquiry". It is somewhat insulting to the self-respect of any State to be told that even its Chief Justice cannot be impartial. ✓ This shows that there is no confidence left in any agency of the State. —

I am sincerely thankful to you for your offer of assistance. I feel that the best help that you can render to the State is to understand our point of view and appreciate our position dispassionately. In absence of this understanding, it is difficult to proceed towards a constructive and peaceful approach to the problems of the State.

Yours sincerely,

Sd. S. M. Abdullah

Dr. Syama Prasad Mookerjee, M.P.,
30, Tughlak Crescent,
New Delhi.

* See page 27

Dr. Mookerjee's Letter

30, Tughlak Crescent,
New Delhi,
February 23, 1953.

My dear Sheikh Sahib,

I thank you for your letter of February 18, which I have read very carefully. Naturally I am not anxious to carry on a protracted correspondence with you merely for the sake of doing so. There are however a number of important points in your letter which require a reply from me. My main object in approaching you had been to find out if we could at all bring the present impasse to an end in a peaceful manner, understand each other's view-point and seek to create an atmosphere so that all of us, in spite of our other differences, may work together for the building up of the State of Jammu & Kashmir as an integral part of the Indian Union. ✓

You have referred to the need for my correctly understanding the basic principles underlying the relationship of your State with India. Unfortunately your whole theory has been based on a rigid acceptance of a legal fiction created by the British Govt. in 1947 when they decided not only to divide India into two separate countries but also to bring into existence more than 500 large and small units as so-called sovereign zones. Normally speaking, when the British decided to withdraw from India in 1947 the entire authority of British Crown and Parliament should have passed on automatically to the successor Government. Undivided India having been separated into two, the obvious course would have been to regard the Government of divided India to be the successor Government in respect of the entire zone of undivided India excluding the newly created State of Pakistan. The political unity of undivided India was already an established fact and this was indeed the most vital contribution made during British rule. There was no question at all of any of the units within India claiming the right to secede under any circumstances. Such an attempt would have been regarded as a treason by the British. This united political structure was sought to be broken by the British into many fragments at the time they decided to transfer power. They did so not out of love or consideration for the people of India or of the previously called Indian States. The main object was to make

new India face a veritable crisis by not only creating the highly communal State of Pakistan but also a large number of so-called independent zones which might not easily be prepared to integrate with India. The Congress at that time was forced to accept this position, for it was then anxious anyhow to see an end of British rule in India. The British scheme had the three following features : (1) Lapse of paramountcy and all that it meant, (2) States thus becoming independent had the full right to decide their own future regarding accession, (3) Accession was to be in relation to three subjects—foreign relations, communications and defence and with regard to the rest nothing would be done except with their concurrence.

It is obvious that all these had one motive and one alone, and that was to create conditions which would make it difficult for the new Government to establish a strong unified India.

You rightly refer to the days when you were fighting for democratic rights in your own State in close association with the leaders of the Indian National Congress, who were similarly engaged in what was then known as British India. Obviously at that time the joint intention of all was to create one India based on a truly democratic constitution. In those days no one dreamt of the remote possibility of India being divided on any considerations, communal or otherwise, or any unit thereof demanding separate constitutional rights. Your whole thesis today is dependent on this sudden revival of sovereign powers at the end of British rule in 1947—powers which did not even pass into your hands but into the hands of the Maharaja. Circumstances, however, went against him. The very sovereign authority, limited or otherwise, that you are claiming today was derived by you from the Maharaja who either willingly or by force of events parted with all his legal and constitutional authority. None cared for his alleged constitutional rights.

Undoubtedly the Government of free India proceeded all along on the basis of this legal fiction, forced upon them by the British Government. But barring Hyderabad and Junagarh and Jammu & Kashmir, all the other States, their rulers and their people, realised that their fate was so closely linked up with India that for their safety and for the welfare of the country they should all merge with India and be governed by the new constitution. You know the history of Hyderabad and Junagarh and I need not repeat it here; they also today

are irrevocable units of the Indian union. In the case of Jammu and Kashmir this could not have been done because war broke out with Pakistan. Meanwhile the constitution of India was being finalised. Thus a legal recognition of the common procedure followed for integration in all other cases had to find its place in our constitution in respect of the State of Jammu and Kashmir. And that was the genesis of Article 370. Sri Gopalaswami Ayyangar while moving the resolution in the Constituent Assembly made it abundantly clear that this was a transitory provision and ultimately the State of Jammu and Kashmir would come into the Indian union just as all other States had done.

When therefore you think that a special provision was made for the accession of the State of Jammu and Kashmir or that you enjoy limited sovereignty, you do so in utter disregard of the historical circumstances under which the scheme of integration was forced on India by the British Government. You may of course say that whatever might have been the origin of your so-called authority, that authority exists today and you are going to exercise it according to your will. Here I would beg of you not to take up an entirely legalistic stand. You are an Indian first and anything else next. Let us all examine the question in that spirit and by our common efforts undo completely the dis-unifying pattern that the British Government left as their last legacy to us. Between you and us there is another link which draws us closer to each other. Our youths jointly shed their blood for saving this territory, which is part of India, from the cruel hands of the enemy.

✓ Even assuming that your interpretation of Article 370 is constitutionally correct, my appeal to you has been that you should finalise the accession of the State with India as soon as possible and also agree to be governed by the Constitution of India with such modifications, if any, as may be specially required for the welfare of the State and which will not be harmful to the interest of India as a whole. Leaving aside constitutional niceties, I fail to understand how this approach to the problem can be deemed by you as wrong or unjust from any view point. And this demand has been made by the people of Jammu and the movement has been sponsored by the Praja Parishad on this basis. Your effort should be to appreciate their fears and doubts and arrive at a settlement with them without raising all sorts of extraneous issues and gravely doubting their motives.

We must get the Kashmir issue out of the clutches of U.N.O. We went there on the issue of aggression and not on that of accession. We expect no help or sympathy from U.N.O. for reasons which are well-known. No doubt assurances of plebiscite have been given by the Government of India. Let us stick to the substance of this declaration that accession will be in accordance with the will of the people of the State. There is however no question of a general plebiscite, specially so long as one-third of the territory remains in the occupation of Pakistan. When I urged that the will of the people should be finally determined through a resolution to be passed by the Constituent Assembly of your State, I only indicated a procedure which could not be questioned by any impartial body. If this resolution is adopted—and Pt. Nehru in his last letter to me says that he has no objection to this, it should finally settle the question of accession as between Kashmir and India. My own view is that the Govt. of India should accept it and close this matter.

Then remains the question of its possible effects on U.N.O. and Pakistan. The future of the lost territory may be settled when, if at all, we reoccupy it or Pakistan voluntarily withdraws from this area. Once the question of finality of accession is determined, the people of Jammu will feel relieved and their main doubts and fears will be dispelled. It is wrong to suggest that I want or the Praja Parishad want that Jammu must be separated from Kashmir Valley. The integrity of the State should of course be maintained. What I however said was that in case the people of Jammu wanted full accession with India and the people of Kashmir Valley wanted a loose integration, clash and conflict were inevitable. One possible solution might be to form Kashmir Valley into a separate State and give it whatever it wants for its development. It would even then continue as one of the units of the Indian Union but would function according to special provisions of the Constitution. I had suggested this alternative with no pleasure. This I felt might become inevitable if no settlement could at all be reached. But let us drop this idea altogether and think in terms of united Jammu and Kashmir and find out how to consolidate it with the willing cooperation of the entire people.

Then remains the question of the subjects in respect of which accession should take place. The Praja Parishad had pleaded that your State should be governed according to the Constitution of India

just as any other part B State is. Here also I have stated that nothing is completely sacrosanct and if there are any articles in the Constitution which you feel should be somewhat modified in respect of your State, it is for you to make proposals and undoubtedly they would be examined by Parliament and everyone else with sympathy and consideration. In respect of certain matters, however, the unity of India has to be maintained and the common rights of the citizens of India must be observed. They relate to such matters as fundamental rights, citizenship, supreme court, President's emergency powers, economic and financial integration and conduct of elections. Even with regard to some of these the State of Jammu and Kashmir may ask for some variations which can be considered on their merits. May I ask you, is there anything wrong or communal or reactionary in this approach? And are these matters really incapable of peaceful adjustment and understanding? You have said there is no Hindu and Muslim question in relation to accession or the acceptance of the provisions of the Indian Constitution. But may I ask, who are opposing this proposal? Not certainly the non-Muslims of your State. And what the fears of the Muslims are, so far as the present constitution goes, you have never cared to explain.

✓ There then remain the questions of the Head of the State and the flag. Here we have seen no reason why separate provisions should have been made for your State. You may refer to the proceeding of the Constituent Assembly and find out the arguments which were advanced by Pt. Nehru himself against an elected Head of the State. Obviously by this means the party in power will elect someone to fill this office. He is likely to be a party man and one belonging to the State itself. It was agreed on all sides that the Head of the State should be an outstanding person and should not owe his appointment directly to the favour shown by the party in power in that State. Further the Head of the State might be called upon to act on behalf of the President in case of emergency. If he were a party man, both the President and he might find themselves in an embarrassing position, in case such an emergency arose. The nomination of the Head of each State by the President was justified on the ground that by this means a common link would be established between each such head on the one hand and the President of the Union on the other. This variation had however to be made to meet your demand. I have nothing to say against Sadar-i-Riyasat as such. But here again why should not one common name, whatever it may be, be accepted for all

States ? If every State has its own nomenclature, it will make confusion worse confounded.

As regards the flag, your acceptance of the same flag as is applicable to the whole of India would undoubtedly have removed any cause of misunderstanding. Even now you should agree to use the Indian flag from day to day as is done in other parts of India, your State flag being used on special occasions in addition to the Indian flag.

Incidentally, I have been unable to understand your abhorrence of the Bhagwa flag. The Bhagwa colour has no communal meaning. It stands for purity, sacrifice and service. For so many thousands of years this was the colour of the flag in free India. There is no possibility of this colour being accepted in India immediately. But it is amazing that you should think that it represents aggressive Hinduism. Does secularism mean that India must cut herself off from her past history and traditions ? The colour of your flag is wholly red, with a special design on it. If any of your uncharitable critics says that it is a camouflage for using the communist flag, surely it will be unfair and you will resent it. Let us not, pray, get colour-blinded.

You have misunderstood completely my reference to the Maharaja in my previous letter. In fact I hardly know the Maharaja and I believe I met him only once at some function. I hold no brief for him nor do I feel that in the modern set up there is any room for hereditary rulership in any part of India. Even when we condemn a man, we need not ignore his good points, if any. You seem to paint the Maharaja in a lurid manner. Yet it was this Maharaja who alone from his class had the courage 20 years ago to stand up at the Round Table Conference in London and plead for a progressive approach by the British towards India's claim for political independence. It is a matter of history that for this act of his he became the eye-sore of British administrators in India. He might have made grievous mistakes and perhaps did things which at some periods went against his State's welfare and India's national interest. But surely his last performance helped the Govt. of India and you in achieving your main purpose. You have referred to his act of desertion from Srinagar when the raid on the city was imminent. This is not a fair and accurate charge. I have seen certain documents and have heard from unimpeachable sources that this is untrue and the Maharaja was

asked to leave Srinagar at the express wish of Lord Mountbatten and other leaders. One obvious reason was that his signature was essential for finalising certain formalities and it could not have been done if by any chance Srinagar fell and he was captured. It is hardly possible that you are unaware of this fact. For some special reasons you with your family were also away from Kashmir at that time. Need the reason for all this be gone into now ?

Again, did you not yourself write a letter to the Maharaja some-time in September 1947 where you assured him that you and your party never entertained any feeling of disloyalty towards him, his throne or his dynasty ? Did you not again write to him in March 1948 when you were asked to take charge of the affairs of Government, valuing the full help and co-operation of the Maharaja and appreciating the spirit in which he had made the offer to you ? Surely you cannot charge the Maharaja for having done anything ungracious or atrocious after March 1948. The entire power was then transferred to your hands by the Maharaja's own decision. He was then virtually a rubber-stamp and had to do what the Government of India or you wanted him to do. In spite of all the assurances of loyalty that you gave to him personally, his throne and his dynasty you took the earliest opportunity to eliminate him completely with the full support of the Government of India. I shall not say anything about the manner in which this was done after all your expression of gratitude and loyalty. Perhaps you strongly felt that the interest of the people demanded this sacrifice on the part of the Maharaja. In any case having utilised him to the full extent to your political advantage and also to what you considered to be the interest of Jammu and Kashmir, it is hardly gracious on your part now to rake up past history and attempt to throw the entire blame on him. Great leaders like you can afford to be magnanimous and not unnecessarily express strong sentiments against your past opponents. I hope you will forgive me for saying all this but your failure to observe this necessary precaution has often given rise to unnecessary doubts and controversies. The Maharaja is gone and the present movement is not aimed at his revival. It is aimed for ensuring that full democratic rights may be enjoyed by all sections of people and the minorities may live without fear and with equal rights. In no part of India does the autocratic rule of Maharajas exist now. Wherever they function, they do so as constitutional heads, with no power barring what they derive from the advice tendered to them by their councils of Ministers.

You have misunderstood me completely as regards my comments on the composition of the Commission of Enquiry. I have cast no reflection whatsoever on the honesty and integrity of your Chief Justice. I do not know him personally but I believe he must be a man, who is above all influences in the discharge of his duties. As I wrote to Mr. Nehru, the other members of the Commission are all administrative officers serving under you. One is Accountant General, the second is Chief Conservator of Forests and the third is Revenue Commissioner. I do not know them. I presume they also are competent and honest in the discharge of their duties. But in the present context of things, they are hardly the persons who can sit in judgment over Government's policy and administration. In other parts of India, whenever similar serious controversies arise, Commissions of Enquiry include Judges exclusively or the majority of their members is taken from the Judiciary. Sometimes matters relating to a particular State are enquired by a Commission to which Judges from other States are invited to join. This is no reflection on them. I had therefore suggested to Mr. Nehru that you should be requested to reconstitute the Commission which may include, apart from your Chief Justice, two judges from other parts of India. Does it indicate any indictment on your Chief Justice or a challenge of your authority? Your autonomy is not apparently disturbed by your using Indian Police to strike at your own citizens. Then why should you consider it as a challenge if you yourself ask some Indian Judges to help you in your administration?

May I remind you of what you yourself did about 20 years ago when a Commission of Enquiry was appointed by the Maharaja to enquire into serious riotings and disturbances in the State of Jammu and Kashmir with which your party and even your name were associated. You and your friends then refused to co-operate with the Commission even though its President was Chief Justice Dalal. You felt, and perhaps rightly so, that a Commission composed of persons who were in State service would hardly be able to do full justice to the grievances of the people. Now that the table has been turned and you are all in all in authority today, why should you not appreciate the fears and doubts of those who disagree with some of your official policies and acts and who may be anxious for a really impartial and independent investigation?

I have been unable to understand your refusal even to talk to the representatives of the Praja Parishad. What I have suggested is

that the movement should be called off, followed by a Conference where Mr. Nehru, yourself and some representatives of the Praja Parishad may be present. All matters, political and constitutional, should be thrashed out there and every attempt is to be made to clear up doubts and fears and create an atmosphere of peace and good-will. Further the prisoners should be released and all confiscatory or other orders should be withdrawn. The Commission should be reconstituted and all grievances regarding economic or administrative matters should be examined by it. Every effort should be made by all sides concerned to create a united front so that the State can be built up with the co-operation of all. The implementation of the July agreement, after the issues have been clarified, should be expedited, the rest of the constitution should be completed soon, followed by general elections.

May I ask again is this an approach which must be dubbed as reactionary, communal and treacherous? Why not take the Praja Parishad at their words and deal with the issues they have themselves raised? The movement is not confined to their members and supporters. It has caught the imagination of the masses and you cannot crush this by force. You all talk so much of Gandhism and Gandhian technique. When however the crisis comes, these high sentiments are kept in the background and threats and abuses, jails and confiscation, bayonets and bullets constitute your weapons of *ahinsa*. Unfortunately you seem to be adamant that under no circumstances will you talk to the Praja Parishad leaders or have anything to do with them. This is a strange attitude on the part of a democratic leader. Whether the Praja Parishad will continue as a political party or not will depend not on your desire but on the response it may receive from the people at large. If you, who represent the dominant political party in the State and in whose hands the powers of Government rest today feel determined to crush a particular political party that may be opposing you, and do adopt force and other methods for the purpose, then you cease to be a democratic leader. You then become a fascist, but even then your success is doubtful, for in all such cases history has proved that the movement goes under-ground and ultimately the mighty dictator loses the battle of true freedom. I dare say a man like you who has risen to his present eminence through great sacrifice and sufferings can never dream of adopting such dangerous and self-destructive methods.

Your reason for not negotiating with them is, I believe, based on your estimate of the past association and activities of the Praja Parishad. You have specifically referred to R.S.S. I do not belong to this organisation but I know many people associated with it and I have deep regard and affection for their idealism, patriotism and spirit of sacrifice and service. They might have made some mistakes in the past, as you and I also might have done on many occasions. But we need not necessarily look upon this organisation as an enemy of the nation. The whole of India barring Jammu and Kashmir has withdrawn the ban on R.S.S. Undoubtedly there were all sorts of allegations against R.S.S. made some years ago. None of them has been proved in a court of law or elsewhere. None of its workers has been accused and convicted of violent or subversive activities. No impartial tribunal has ever given its verdict against its aims, objects and work. Its association with Gandhiji's tragic murder has not been proved even to the slightest extent. If it is preaching some ideologies which you and others do not like, naturally you are entitled to make counter-propaganda. If people are thus convinced that R.S.S. is bad, they will themselves disown their support of this organisation.

The one specific charge you have brought against R.S.S. and Praja Parishad is that in the fateful days of October 1947 they played an ignoble part in forcing out Muslims from some areas of Jammu and even in depriving some of their lives and honour. It is not possible for me to obtain evidence in support of the validity of this charge. If specific individuals who carried on such acts could be found out, one does not know why they were not put up for trial after you came into power. Why was no Commission of Enquiry set up immediately afterwards? Let me however accept your contention as true. May I ask you in all earnestness why you should ignore the circumstances under which such tragic events took place in your State? You have made no reference whatsoever to the tragedy that fell on Hindus and Sikhs in Jammu province before the attack on Muslims took place. 15 to 20 thousand Hindus were butchered by the joint acts of Pakistani invaders and Muslims of Jammu State living in those areas. Even today five thousand Hindu women remain untraced and unrecovered. Many were tortured and raped and all sorts of atrocities took place on innocent Hindus and Sikhs. Obviously Hindus and Sikhs did not commit these murders. They were committed by Muslims. You were the accepted leader of the National Conference in those days. Can